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March 1. 1681.

**W**E do appoint **THOMAS BAS-**  
**SET** to Print the Tryals of *Charles*  
*John Count Coningsmark, George Borosky, Christopher*  
*Vratz, and John Stern*, for the Murder of  
**THOMAS THYNN**, Esquire. And that  
no other Person presume to Print the same.

**JOHN MOOR** Mayor.

**FR. PEMBERTON.**

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THE  
TRYAL  
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CONDEMNATION

OF  
*George Borosky alias Boratzki, Christopher Vratz,*  
and *John Stern;*

FOR THE  
BARBAROUS MURDER  
OF

**Thomas Thynn, Esq;**

Together with the TRYAL of  
*Charles John COUNT CONINGS MARK,*  
As Accessary before the Fact to the same Murder.

Who was Acquitted of the said Offence.

At the Sessions in the Old Bailey, Tuesday  
February 28. 1681.

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L O N D O N,

Printed for *Thomas Bassett* at the George near St. Dunstan's  
Church in *Fleetstreet.* 1682.



# THE TRIAL AND CONDEMNATION

OF  
George Borosky alias Boroski, Christopher  
and John Stern

FOR THE  
BARBAROUS MURDER  
OF

Thomas Thamm, Esq.

Together with the TRIAL of  
Charles John COVINGTON MARK  
As Accused before the Lord of the King's Bench  
Who was charged of the said Murder

At the Sessions in the Old Bailey  
January 28. 1782.

LONDON:  
Printed for Thomas Bristle at the Green in St. Dunstons  
Church in the Strand. 1782.

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George Boros.  
John Stern  
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# THE TRYAL OF

*George Borosky alias Boratzi, Christopher Vratz,  
John Stern, and CHARLES JOHN  
COUNT CONINGSMARK.*

On *Tuesday* the 28th. of *February* 1681. The Sessions of the Peace for the City of *London*, and of *Oyer* and *Terminer* for the City of *London* and County of *Middlesex*, which was adjourned over till this day, was held at the Sessions-house in the *Old Bayley*: And there having been an Indictment found at *Hicks's-hall* by the Grand Jury for the County of *Middlesex* against *Charles George Borosky, Christopher Vratz* and *John Stern* for murdering *Thomas Thynn Esq;* and against *Charles John Count Coningsmark* as accessory before the Fact, the said Persons being in *Newgate*, were brought to the Barr to be Arraigned and Tryed: And they being Forreigners, an Interpreter was sworn to acquaint them in a Language they understood, what they were Accused of.

*Cl. of the Crown.*

**C** *Harles Borosky* hold up thy hand. (*Which he did.*) *Christopher Vratz* hold up thy hand. (*Which he did.*) *John Stern* hold up thy hand. (*Which he did.*) *Charles John Coningsmark* hold up thy hand. (*Which he did.*)

*Tom stand Indicted in the County of Middlesex by the Names of Charles George Borosky, late of the Parish of St. Martins in the Fields, in the County of Middlesex, Labourer; otherwise called George Boratzi of the same Parish and County, Labourer; Christopher Vratz of the same Parish and County, Gentleman; John Stern of the same Parish and County, Gentleman; and Charles John Coningsmark,*



mark of the same Parish and County, Esquire; otherwise called John Coningsmark of the same Parish and County, Esquire: For that you the said Charles George Borosky alias Boratzi, Christopher Vratz and John Stern, not having God before your Eyes, but being moved and seduced by the Instigation of the Devil, upon the Twelfth day of February, in the Thirty Fourth year of the Reign of our Sovereign Lord King Charles the Second, with Force and Arms in the Parish of St. Martins in the Fields in the County of Middlesex aforesaid, in and upon Thomas Thynn, Esquire; in the Peace of God, and our said Sovereign Lord the King, then and there being Feloniously, Wilfully, and of your Malice aforethought, did make an Assault. And that thou the said George Borosky alias Boratzi, a certain Blunderbus of the Value of Five Shillings, the said Blunderbus being then charged with Gunpowder, and Four Leaden Bullets; which said Blunderbus thou the said George Borosky alias Boratzi in both thy hands so as aforesaid, Loaden to and against the said Thomas Thynn then and there hadst and heldest. And that thou the aforesaid George Borosky alias Boratzi knowing the Blunderbus aforesaid, to be so as aforesaid, charged with Gunpowder and Leaden Bullets, to and against the said Thomas Thynn then and there, with Force of Arms, Feloniously, Wilfully, and of thy Malice aforethought, didst Discharge and Shoot off. And that thou the said George Borosky alias Boratzi, with the said Leaden Bullets shot and sent out of the Blunderbus aforesaid, by the violence and force of the Gunpowder aforesaid: And by thee the said George Borosky alias Boratzi so as aforesaid discharged and shot off, the said Thomas Thynn in and upon the right-side of the Body of the said Thomas Thynn, near the short Ribs of the right-side of the Body of the said Thomas Thynn then and there Feloniously, Wilfully, and of thy Malice aforethought didst Strike and Wound; giving unto him the said Thomas Thynn then and there with the Leaden Bullets aforesaid, so as aforesaid shot and sent out of the Blunderbus aforesaid by force and violence of the Gunpowder aforesaid, by thee the said George Borosky alias Boratzi; so as aforesaid discharged and sent out, in and upon the right side of the Body of him the said Thomas Thynn near the short Ribs, on the right side of him the said Thomas Thynn four mortal wounds, every one of them of the breadth of one Inch, and of the depth of six Inches; of which said mortal wounds, he the said Thomas Thynn from the said twelfth day of February in the 34th. year aforesaid, unto the thirteenth day of the same Moneth of February at the Parish of St. Martins in the Fields aforesaid, did languish and lived languishing: On which said thirteenth day of February, in the 34th. Year aforesaid, he the said Thomas Thynn at the Parish of St. Martins in the Fields aforesaid, of the mortal wounds so as aforesaid given dyed. And that you the said Christopher Vratz and John Sterne, then that is to say at the time of the Felony and Murder aforesaid, by the said George Borosky alias Boratzi; so as aforesaid feloniously, wilfully and of his malice aforethought, done and committed, then and there feloniously, wilfully and of your malice aforethought, by force and arms were present, aiding, comforting, abetting, assisting and maintaining the said George Borosky alias Boratzi, the Felony and Murder aforesaid feloniously, wilfully and of his malice aforethought to do and commit. And so you the said George Borosky alias Boratzi, Christopher Vratz and John Sterne, the said Thomas Thynn in manner and forme aforesaid, feloniously, wilfully and of your malice aforethought didst kill and murder against the Peace of our Sovereign Lord the King, His Crown and Dignity. And that thou the said Charles John Coningsmark before the Felony and Murder aforesaid, by the said George Borosky alias Boratzi, Christopher Vratz and John Sterne in manner and forme aforesaid, feloniously, wilfully and of their

malice aforethought, done  
February, in the 34th. Year of  
against them the said George  
John Stern the Felony and Mur  
sawly to do and commit felo  
for up, counsel, persuade a  
John King, His Crown and D

Let Just. Why, you must read  
it understand it.

Let Just. Norb. You that are the  
agent the Indictment to them by  
the Judge. Yes, my Lord, I will.

Let Just. Don't read all the Circ  
Then the Clerke of the Cr  
Interpreter deliberate

Let Just. Well, you have told them  
King Mr. Thynn.

Let Just. Yes.

Let Just. Well, what says the first  
Let Cr. I asked him if he be Guilty

Let Just. Does he say so?

Let Just. Yes, he says he is not Guilty.

Let Just. Why now tell him the

Then Sir Nathaniel J.

Let Just. Ask him this Question. I

Let Just. He says he is not Guilty.

Let Just. Then Sir Nathaniel J.

Let Just. your manner of Trial here is

Let Just. saying, By God and the Co

Let Just. My Lord, he is a very

Let Just. what to say: nor won't say any

Let Just. Ask him if he be willing to

Let Just. Yes, he says he is willing

Let Just. He hath pleaded not

Let Just. Ask the other, the Captain.

Let Just. He desires a French Inte

Let Just. Surely here are enough Per

Let Just. understand English.

Let Just. He can understand some

Let Just. Then ask him, whether he b

Let Just. He says he is not Guilty.

Let Just. Now ask Mr. Stern, but first,

Let Just. He says he will be tried t

Let Just. He shall have his Request.

Let Just. He desires one thing further.

Let Just. Look you Sir Nathaniel J.

Let Just. French, and half English; that is



*their malice aforethought, done and committed, to wit, the said Twelfth day of February, in the 34th. Year afore said at the Parish of St. Martins in the Fields afore said them the said George Borosky alias Boratzi, Christopher Vratz and John Stern the Felony and Murder afore said, in manner and form afore said, feloniously to do and commit feloniously, willfully and of thy malice afore-thought didst stir up, counsel, perswade and procure against the Peace of our Sovereign Lord the King, His Crown and Dignity.*

*L. Ch. Just.* Why, you must read this to them now in their Language, or else they can't understand it.

*L. Ch. Just. North.* You that are the Interpreter, tell them that you are going to Interpret the Indictment to them by degrees.

*Mr. Vandore.* Yes, my Lord, I will.

*L. Ch. Just.* Don't read all the Circumstantials, but only the substance of the Indictment.

*Then the Clerke of the Crown went near the Bar, and dictated to the Interpreter deliberately, who Interpreted it to the Prisoners.*

*L. Ch. Just.* Well, you have told them the substance of it, that they are Indicted for killing Mr. Thynn.

*Mr. Vandore.* Yes.

*L. Ch. Just.* Well, what says the first man?

*Cl. of Cr.* I asked him if he be Guilty of the Murder whereof he stands Indicted, and he says he is not Guilty.

*L. Ch. Just.* Does he say so?

*Mr. Vandore.* Yes, he says he is not Guilty.

*L. Ch. Just.* Why now tell him the Formality, that he must put himself upon the Jury here.

*Then Sir Nathaniel Johnson was Sworn Interpreter.*

*L. Ch. Just.* Ask him this Question. Tell him he is accused of the Murder of Mr. Thomas Thynn; ask him if he be Guilty, or not Guilty.

*Mr. Vandore.* He says he is not Guilty, my Lord. I ask'd him just now.

*L. Ch. Just.* Then Sir Nathaniel Johnson, if you can make him to understand it, tell him; that our manner of Tryal here is by Twelve men, and that is by putting himself upon the Country, and therefore ask him, how he will be tryed. Tell him that the method is by saying, By God and the Countrey.

*Sir N. Johnson.* My Lord, he is a very dull kind of man, he knows not how to Answer, nor what to say; nor won't say any thing, that is the truth of it.

*L. Ch. Just.* Ask him if he be willing to be tryed after the manner of the English.

*Sir N. Johnson.* Yes, he says he is willing to be tryed according to the fashion of the English.

*L. Ch. Just. North.* He hath pleaded not Guilty, and the other follows of Course.

*L. Ch. Just.* Ask the other, the Captain, the same thing.

*Sir N. Johnson.* He desires a French Interpreter, for he speaks French.

*L. Ch. Just.* Surely here are enough People that understand French, but ask him if he does not understand English.

*Sir N. Johnson.* He can understand some he says.

*L. Ch. Just.* Then ask him, whether he be Guilty, or not.

*Sir N. Johnson.* He says he is not Guilty, my Lord.

*L. Ch. Just.* Now ask Mr. Stern, but first, ask the Captain how he will be Tryed.

*Sir N. Johnson.* He says he will be tryed by God, and half his own Country, and half English.

*L. Ch. Just.* He shall have his Request.

*Sir N. Johnson.* He desires one thing further.

*L. Ch. Just.* Look you Sir Nathaniel Johnson, you must tell him this; he shall be tryed by half Foreiners, and half English; that is it I suppose he desires.

*Sir N. Johnson.*



Sir N. *Johnson*. My Lord, he desires that there may be none of the Jury that are any thing a Kindred, or Relation to Mr. *Thomas Thynn*, nor any particular Friend of his; and he is satisfied.

L. Ch. *Just*. No, there shall not, we will take care of that. Now ask Mr. *Stern* then the like Question.

Sir N. *Johnson*. My Lord, he says he is not Guilty.

L. Ch. *Just*. Ask him too how he will be Tried; Whether by a Jury?

Sir N. *Johnson*. He says hee's content to be Tried as the others are, by half Strangers, and half *English*.

L. Ch. *Just*. Now then ask my Lord *Conningmark* what he says.

Mr. *Thynn*, He speaks *English*, my Lord.

L. Ch. *Just*. But not well enough may be, to understand the whole.

L. Ch. *Just*. North. Sir *Nathaniel*, What does he say?

Sir N. *Johnson*. My Lord, he says it is a Concern of his Life, and therefore he desires he may have not only one Interpreter, but others: He desires he may have two or three, that they may make no Mistake.

L. Ch. *Just*. Very well.

Sir N. *Johnson*. He says that I understand the *Dutch* Language; but his Life and Honour are concerned, and therefore he would have three or four.

L. Ch. *Just*. Who would he have?

Sir N. *Johnson*. Sir *Tho. Thynn* said they had one that was brought by them.

Mr. *Thynn*. That is *Vandore*, who is sworn already.

L. Ch. *Just*. Look you, Sir *Nathaniel*, tell my Lord, if he pleases, he shall have a *French* Interpreter; for I know he speaks that Language very well.

Sir N. *Johnson*. My Lord, he says, That *High Dutch* is his Natural Language, and he can express himself best in that.

Then one *Vanbaring* was called for by the Count, but did not appear.

L. Ch. *Bar*. Sir N. *Johnson*, You must ask the Count whether he be Guilty of the Indictment, as Accessory before the Fact.

Sir N. *Johnson*. I have asked my Lord, and Not Guilty he answers.

L. Ch. *of the Cr*. How will you be Tried?

Sir N. *Johnson*. He says, he will be Tried by God and half his own Countrey, or half Foreigners and half *English*; and he desires they may be Persons of some Quality, as they use to Treat Persons of his Quality, and Strangers.

L. Ch. *Just*. There shall be such Strangers, tell him. You have Merchants of good Account, I suppose, upon this Pannel.

Under-Sheriffe. Yes, my Lord, they are all such.

Sir N. *Johnson*. He desires he may be Tried distinctly from the others.

L. Ch. *Just*. That cannot be: But look you Sir, Pray tell my Lord this, That though the Evidence must be given, and the Jury must be charged all together, yet in this Case we will distinguish his Case to the Jury, if there be occasion.

L. Ch. *Bar*. And his Evidence will come distinct.

Mr. *Vandore*. My Lord, he asks this Question of your Lordship and this Honourable Court, if it be agreeable, and according to the Justice of this Nation, that my Lord may be allowed two or three days Delay, because he is to prepare Himself and Witnesses for his Tryal.

Sir N. *Johnson*. My Lord, he says this, his Witnesses are not prepared, and he not having had time to recollect himself, so as to fit himself for his defence, therefore he begs the favour of the Court, that he may have a day or two's time to recollect himself. He says he is to answer Circumstances with Circumstances, my Lord; he says he has some Witnesses as to Circumstances that are very material to answer such Circumstances as are brought against him; he does not understand the Law, my Lord, nor has had no time to have any Council to inform himself.

L. Ch. *Just*. You must tell him this, That which he is charged with is matter of Fact, that none can instruct him in but himself, Council can do him no good in such a case as this.

Sir N. *Johnson*

My Lord, he says, and they require but a little time, a day or two. My Lord, our Witnesses are not prepared. Look you, pray will you rather eat nor drink till they change the Law, therefore we are he is Accused of, and has knowledge, and prepare himself. My Lord, he says, the Jury are all the Jury are charged, he is not. Look you, you must tell him, that against the Principals and himself. Try the Principals now, and my Lord, if it must be so, he says, he shall have nothing but what is just Counsel to him, as the Fashion of the Law, he desires he may have the Innocency of his Case, how Innocent he is, won't stick for your Lordship shall think fit; he has let my Lord know, that we will. He says, he does not fear it, or doubt it at all. I wear a Jury. But look you, some of the Jury come to be sworn against them. My Lord, he says, being all of the Persons, he begs the those that are Returned of the Jury we cannot do: All we can do is you may have indifferent Persons. Pray tell him, the Law gives. He says, my Lord, he does not understand, and may have something against the King of Denmark. He was a Protestant, and served the Country-men are they, Mr. They are French and Dutch against them. We will call all French-men, if he has. He would very gladly have them thought he had excepted against the. No, against the Dames, for examine them as they come to the. and don't let any such be sworn. There is none such among. Sir N. *Johnson*, tell my Lord, he stands. He thanks your Lordship. He hopes that is an easy Favour. Let him have the Pannel, if it will do us we can. (Which was C



*Sir N. Johnson.* My Lord, he says, the Matters that are objected against him are only Circumstances, my Lord, and they require an Answer, which he can do by other Circumstances, and he desires time to re-collect himself, two or three days respite, he desires if it were but a little time, a day or two.

*Mr. Thynne.* My Lord, our Witnesses are all ready, and the Counsel instructed, and wait here to go on.

*L. C. J. North.* Look you, pray will you tell him, When the Tryal is once begun, the Jury can neither eat nor drink till they have given their Verdict; that is the Law, and we can't change the Law, therefore we cannot allow him the time he desires. He knows what he is Accused of, and has known it a good while, and has had time to re-collect himself, and prepare himself.

*Sir N. Johnson.* My Lord, he says, the Jury are not yet together, nor charged with him, and therefore till the Jury are charged, he thinks he may have time, if your Lordship please to allow it.

*L. C. J.* Look you, you must tell him, that he is to understand, that here is but one Indictment against the Principals and himself, and we cannot Try this by piece-meals; we cannot Try the Principals now, and my Lord *Coningmark* another time.

*Sir N. Johnson.* If it must be so, he says, he must throw himself upon your Lordship; he hopes he shall have nothing but what is just and fair, and he hopes your Lordship will be of Counsel to him, as the Fashion of this Countrey is; if any thing arises of Matter of Law, he desires he may have the Advantage of it: And if he can't have a day or two, he says, the Innocency of his Case will protect him. Count *Coningmark* knowing how Innocent he is, won't stick for a day or two, but he will be ready to be Tried as your Lordship shall think fit; he has Innocence on his side, and that will protect him.

*L. C. J.* Let my Lord know, that we will be careful in Examining all things that concern him.

*Sir N. Johnson.* He says, he does not fear it, my Lord, having to do with such Honourable Persons, nor doubt it at all.

*L. C. J.* Then Swear a Jury. But look you, my Lord *Coningmark*, consider this, As the Gentlemen of the Jury come to be Sworn, if you do dislike any of them, you may except against them.

*Sir N. Johnson.* My Lord, he says, being altogether a Stranger here in *England*, and not knowing any of the Persons, he begs the favour of the Bench, that he may have the Names of those that are Returned of the Jury, and a little time to consider of it.

*L. C. J.* That we cannot do: All we can do for you is, we will take as much care as we can, that you may have indifferent Persons, and Persons of Quality.

*L. C. J. North.* Pray tell him, the Law gives him the Priviledge of a peremptory Challenge.

*Sir N. Johnson.* He says, my Lord, he does not know who they are, but they may be Persons that are touched, and may have something of evil Will or Spleen against him. His Father served against the King of *Denmark*, and against the *Poles* and the *Papists*, and his Father was a Protestant, and served the Protestant Cause.

*L. C. J.* What Countrey-men are they, Mr. Sheriff?

*Under-Sheriff.* They are *French* and *Dutch* most of them, I do not believe there is ever a *Dane* amongst them.

*L. C. J.* We will call all *French-men*, if he had rather have them than *Dutch*.

*Sir N. Johnson.* He would very gladly have them all *High Dutch*; if not, that he may have some.

*L. C. J.* I thought he had excepted against the *Dutch*.

*Sir N. Johnson.* No, against the *Danes*, for his Father in the Wars burnt their Towns.

*L. C. J.* Examine them as they come to the Book. If there be any of the *Roman* Catholick Religion, and don't let any such be Sworn.

*Mr. Sher. Pilkington.* There is none such amongst them, I dare say.

*L. C. J.* *Sir Nat. Johnson*, tell my Lord, he shall have no *Roman* Catholicks at all.

*Sir N. Johnson.* He thanks your Lordship. He desires he may have the Pannel to look upon, and he hopes that is an easie Favour.

*L. C. J.* Let him have the Pannel, if it will do him any good. He is a Stranger, satisfy him in what we can.

(Which was delivered to him, and he looked it over.)



L. C. J. Tell him as the Jury is called he shall have every one of the *Outlawish-men* and *English-men* brought before him.

Sir N. Johnson. My Lord, he thanks you for this favor.

L. Ch. Baron. Sir Nath. Johnson, tell the Count, They call first an *English-man*, then a *Foreigner*, and they shall be brought to view.

L. C. J. Pray have you told the other persons, that their time to challenge is before the Jury is sworn.

Sir N. Johnson. The *Polander* says he can challenge none, because he knows none.

L. C. J. What say the rest.

Mr. Vaudore. They say they know no body, and can except against no body.

Cl. of Cr. Call Sir Will. Roberts.

[Who appearing, stood up.

L. C. J. My Lord Coningsmark, there is the Fore-man.

Sir N. Johnson. He has nothing to say against him.

L. C. J. Then hold him a Book, and Swear him.

[Which was done.

Cl. of Cr. Call Mr. Downing.

Interpreter. He says he is no *Foreigner*.

L. C. J. Then he must not be sworn.

Cl. of Cr. Moses Charas.

[Who appeared.

Interpreter. He has nothing to say against him. But he himself says, he does not speak *English*, but he desires to speak *French*.

Cl. of Cr. Then tell him in *French*, he must lay his Hand on the Book and be sworn, and hearken to his Oath.

Sir Fr. Winnington. We challenge him for the King.

L. C. J. For what Cause?

Sir Fr. Winnington. My Lord, we take it that we need not shew any Cause, unless there be any want of the Number in the Panel.

L. C. J. Then we must do him right, and tell him what Advantage the Law gives him. Tell my Lord, you that understand *English*, that this Gentleman is challenged for the King, and if the King shew any good cause for it, he must not be sworn, else he must. And the way for him to cause the King's Council to shew their Cause, (if he desire it) is to challenge all the rest.

Mr. Williams. We waive our Challenge; for the reason why we challenged him was, because he did not understand *English*, which will be no reason at all.

Then he was Sworn.

Cl. of Cr. Sir Henry Ingoldsby.

Sir N. Johnson. He challenges him, my Lord.

Cl. of Cr. Sir William Gulston.

Sir N. Johnson. He excepts against him, my Lord.

L. Ch. J. Does he challenge him in respect of what I said to him about the *Outlandish* Gentlemen, that the King is to shew cause? Or how does he challenge him?

Interpreter. My Lord, he says, he hears he is a Friend to Mr. Thynne.

L. C. J. Well, let him be passed by then.

Cl. of Cr. Sir John Musters.

[Who did not appear.

Sir N. Johnson. He says, my Lord, he only desires indifferent persons.

Cl. of Cr. Henry Herbert, Esq;

Sir N. Johnson. He challenges him.

Cl. of Cr. Richard Paget, Esq;

Sir N. Johnson. He desires to see him.

L. C. J. Let him be brought into the middle, that he may look upon the Prisoners.

Interpreter. He has nothing to say against him.

Then he was Sworn.

Cl. of Cr. James Bugone.

Interpreter. He excepts against him.

Cl. of Cr. Claudius Derolee.

Interpreter. He excepts against him too.

Cl. of Cr. Charles Beelow.

Interpreter.

He says he looks like a man, and be

Robert Bucknall, Esq;

He challenges him.

Thomas Emsby, Esq;

He challenges him too.

Look you, Sir Nath. Johnson, pray

He says very well; he

that he challenges may not co

Well, it shall be so; we will take

Richard Gower, Esq;

He excepts against him.

George Hocknall, Esq;

He challenges him. [But the

has ch

Peter Vandenberg.

He says nothing to him.

Then he was

Walter Mayle, Esq;

He does not challenge him.

Christopher Ripley.

He does not challenge him.

Thomas Houlston, Esq;

He does not except against him.

Then he was

John Doncar.

He challenges him.

John Lecare.

David Colman.

He challenges him, because he kne

John Lodderley.

He challenges him.

John Bark.

He challenges him.

John Gregson.

He does not challenge him.

John Jordan, Esq;

He challenges him.

John Knightley, Esq;

He challenges him.

John Haynes, Esq;

He does not except against him.

John le Count.

He challenges him.

John Belieu.

He challenges him.

James Fromen.

We challenge him for the King

John Massy.

He challenges him.

Andrew Primow.

He challenges him.

Nicholas Bensoy.

He challenges him.

He says they



*Interpret.* He says he looks like a man, and he does not except against him.

*And he was Sworn.*

*Cl. of Cr. Ralph Bucknall, Esq;*

*Interpret.* He challenges him.

*Cl. of Cr. Thomas Earsby, Esq;*

*Interpret.* He challenges him too.

*L. C. J.* Look you, Sir *Nath. Johnson*, pray tell him he can challenge but Twenty.

*Sir N. Johnson.* He says very well; he will not do any more. He desires the favour, that those that he challenges may not come near those that are sworn.

*L. C. J.* Well, it shall be so; we will take care of it.

*Cl. of Cr. Richard Gowre, Esq;*

*Sir N. Johnson.* He excepts against him.

*Cl. of Cr. George Hocknall, Esq;*

*Interpret.* He challenges him.

*[But then the Count looking in his Paper, retracted his challenge, and he was sworn.]*

*Cl. of Cr. Peter Vandenhagen.*

*Interpret.* He says nothing to him.

*Then he was sworn.*

*Cl. of Cr. Walter Moyle, Esq;*

*Interpret.* He does not challenge him.

*[He was sworn.]*

*Cl. of Cr. Christopher Ripkey.*

*Interpret.* He does not challenge him.

*[He was sworn.]*

*Cl. of Cr. Thomas Henslow, Esq;*

*Interpret.* He does not except against him.

*Then he was sworn.*

*Cl. of Cr. Lewis Doncarr.*

*Interpret.* He challenges him.

*Cl. of Cr. Peter Lecane.*

*David Colvance.*

*Interpret.* He challenges him, because he knew Mr. *Thynne*, they say.

*Cl. of Cr. Andrew Lodderley.*

*Interpret.* He challenges him.

*Cl. of Cr. James Burk.*

*Interpret.* He challenges him.

*Cl. of Cr. Daniel Griggion.*

*Interpret.* He does not challenge him.

*[So he was sworn.]*

*Cl. of Cr. Robert Jordan, Esq;*

*Interpret.* He challenges him.

*Cl. of Cr. Lucy Knightley, Esq;*

*Interpret.* He challenges him.

*Cl. of Cr. John Haynes, Esq;*

*Interpret.* He does not except against him.

*[He was sworn.]*

*Cl. of Cr. Lewis le Count.*

*Interpret.* He challenges him.

*Cl. of Cr. John Belliew.*

*Interpret.* He challenges him.

*Cl. of Cr. James Frontein.*

*Mr. Williams.* We challenge him for the King.

*Cl. of Cr. John Massey.*

*Interpret.* He challenges him.

*Cl. of Cr. Andrew Primow.*

*Interpret.* He challenges him.

*Cl. of Cr. Nicholas Beufoy.*

*Interpret.* He challenges him. He says they are all *Walloons*, and therefore he challenges them.

*L. C. J.* Why



L. C. J. Why does he except against *Walloons*?

Interpret. Because they have always served against the *Swedes*.

Cl. of Cr. *John Lebarr*.

Interpret. He does not except against him.

Cl. of Cr. *Cryer*, count these, &c.

[And so he was sworn.]

Sir Will. Roberts, Bar.  
Moses Charas, Gent.  
Richard Pagett, Esq;  
Charles Beelow, Gent.  
Geo. Hocknall, Esq;  
Pet. Vandenhagen, Gent.

Jur'

Walter Moyle, Esq;  
Chr. Ripkey, Gent.  
Tho. Henslow, Esq;  
Dan. Griggion, Gent.  
Job. Haynes, Esq; And  
Job. Lebarr, Gent.

Then Proclamation for Information and Prosecution was made: And  
a Chair was set for the Count, at his Request.

Cl. of Cr. Gentlemen, Look upon the Prisoners, you that are Sworn, and hearken to  
their Cause; they stand Indicted *prout* in the Indictment, *mutatis mu-*  
*tandis*—against the Peace of our Sovereign Lord the King, his Crown and Dignity.  
Upon this Indictment they have been Arraigned, and thereunto have severally pleaded,  
*Not Guilty*: And for their Tryal, have put themselves upon God and their Country;  
which Country you are. Your Charge is to inquire, whether they or any of them are  
Guilty of the Offences whereof they stand Indicted, or not Guilty. And if you find  
them or any of them Guilty, you are to find what Goods or Chattels, Lands or Tene-  
ments they had at the time of the Felony and Murder committed, or at any time since.  
If you find them or any of them Guilty, you are to inquire, whether they or any of  
them fled for it; If you find that they or any of them fled for it, you are to inquire of  
their Goods and Chattels, as if you had found them Guilty. If you find them or any  
of them not Guilty, nor that they did fly for it, you are to say so, and no more, and hear  
your Evidence. But if you acquit any one of the Principals—

L. C. J. That is a mistake, it must be all the Principals.

Cl. of Cr. If you acquit the Principals, you are not to inquire of *Charles John Conings-*  
*mark* as accessory before.

Mr. Keene. May it please your Lordship, and you Gentlemen that are sworn of this  
Jury, *George Borosky*, alias *Boratri*, *Christopher Vratz*, and *John Sterne*, the Prisoners  
at the Bar, stand here Indicted; for that they not having the fear of God before their  
Eyes, but being moved and seduced by the Instigation of the Devil, the 12th day of  
*February*, in the 34th Year of the Reign of this King, feloniously and voluntarily,  
and of their malice aforethought, did make an Assault upon *Thomas Thynne*, Esq; at the  
Parish of *St. Martins in the Fields*, in this County; and that he the said *George Borosky*,  
having in his hands a Blunderbuss, which he knew to be Charged with Four leaden  
Bullets, did Discharge it at Mr. *Thynne*, and gave him Four mortal Wounds, of which  
Wounds he languished till the 13th day of *February*, and then dyed: And that they the  
said *Christopher Vratz* and *John Sterne* were there present, aiding, assisting and abetting  
him to commit the said Felony and Murder; And so that they the said *George Borosky*,  
*Christopher Vratz*, and *John Sterne*, did of their malice aforethought, in manner afore-  
said, Murder the said *Thomas Thynne*. And *Charles John Coningsmark*, the other Pri-  
soner at the Bar, stands Indicted, for that he before the Felony and Murder aforesaid,  
so done and committed, to wit, the 12th day of *February* aforesaid, did of his malice  
aforethought, move, incite, counsel, perswade and procure the said *Borosky*, *Vratz*, and  
*Sterne*, to do that Murder, against the Peace of the King, his Crown and Dignity. To  
this Indictment they have severally pleaded *Not Guilty*, and you are to inquire, whether  
they are Guilty, as they are charged, or no.

Sir Francis

My Lord and  
the Prisoners at the Bar.  
the fourth as Acces-  
sary, I cannot chuse but take  
notice, I have been heard of to be perper-  
ated, and in respect of the  
Quality of that Quality  
That this Man being in  
this Murder committed in  
all English hearts. And of  
one Native of this Country  
in this Barbarous Fact.  
to you, Gentlemen, before  
whom for distinction sake,  
is called the Captain, and Sterne  
we say, was the Man that did  
that was slain, but though he w  
the you that Vratz and Sterne were  
when he gave the blow, they are  
will be natural to open to you what  
Birth, and did formerly belong to  
Starvation, I think in the War he w  
in England, but at the last time  
the Murder was committed, he  
is Captain Vratz, we shall prove,  
that several times before the  
murder his Coach, and upon the  
the incident fell out, having  
immediately he puts on his Boot  
such a place, because he shou  
wring his Cloaths to the Black  
When he went from his Lodg  
the Black Bull in Holborn, wh  
three Gentlemen being thus  
s, and the other very well po  
ing Committed about seven or e  
the way to Temple Barr, they were  
individue in the *Palmer*, and  
through the Street to go to  
the Coach-side, and while the o  
was discharged into the Coach ag  
the next Morning he dyed.  
he did fall a Pistol upon the place,  
not these Persons, because we st  
ing done, this Murder Commi  
thoughts, and Circumstances b  
ther to be bought by Captain V  
the Quarrel he had with Mr. T  
these Persons being R  
they did it. Great care there w  
would be, to Apprehend the Malef  
that this Captain Vratz, accor  
to a Doctors House, that liv  
and coming upon his Examinat  
that was at the place when and  
he did intend to Fight him in a L  
I must Observe this to you, a  
ever knew a Man go to Fight a Due  
not possible he should go w  
with an intention of Murder. Forth  
D



*Sir Francis Wubins.* My Lord and Gentlemen, I am of Counsel in this Case for the King, against the Prisoners at the Bar. There are three of them Indicted as Principals in this Murder, the fourth as Accessory before. In this Case that is now before you, Gentlemen, I cannot chuse but take Notice unto you, that a Murder of this Nature has never been heard of to be perpetrated upon *English* Ground, both in respect of the Person Murdered, and in respect of the Circumstances of the Fact. For the Person Murdered, a Gentleman of that Quality and Estate, that he hath left but few equals behind him. That this Man being in his Coach, should be way-layed, surprized, Murdered, and this Murder Committed in the midst of our Streets, is that which works Amazement in all *English* hearts. And our only Comfort upon this sad Occasion is, that there is not one Native of this Countrey found amongst all those that are Accused to be Instruments in this Barbarous Fact.

I did Observe to you, Gentlemen, before, that there are three named to be Principals; *Borosky*, whom for distinction sake, I shall call by the name of the *Polander*, *Vratz*, who is called the Captain, and *Sterne*, who is called the Lieutenant. *Borosky* the *Polander*, we say, was the Man that discharged this Blunderbus against this Worthy Gentleman that was slain, but though he was the only Man that discharged it, yet if we can satisfie you that *Vratz* and *Sterne* were with him at the same time, aiding and assisting him when he gave the blow, they are as much Principals as he that shot off the Gun. It will be natural to open to you what is said against this Captain *Vratz*; he is a *Swede* by Birth, and did formerly belong to Count *Coningsmark*; he was a Retainer to him. Afterwards, I think in the War he was made a Captain. This Gentleman had been formerly in *England*, but at the last time he came, which was three weeks, or thereabouts, before the Murder was committed, his Lodging was in *King-street* at *Westminster*. This Captain *Vratz*, we shall prove, did often Discourse that he had a Quarrel with Mr. *Thynne*, that several times before this Murder was Actually done, he Ordered his Servant to way-lay his Coach, and upon that very Fatal day, the 12th. of *February*, when this unhappy Accident fell out, having Information that Mr. *Thynne* was gone out in his Coach, immediately he puts on his Boots, gives Order to his Servant to bring his Cloaths to him at such a place, because he should remove his Lodging, he said, that Night, that he should bring his Cloaths to the *Black Bull Inn* in *Holborn*, and bring his Horse thither too. When he went from his Lodging, the *Polander* went along with him, and they came to the *Black Bull* in *Holborn*, where they met with *Sterne*. We shall shew you, that these three Gentlemen being thus Armed, one with a Blunderbus, the Second with Pistols, and the other very well provided, rid out about six of the Clock, the Murder being Committed about seven or eight. At their going out, they enquired which was their way to *Temple Barr*, they were seen to ride through the *Strand* to *St. Jameses*, the Fact was done in the *Pall-mall*, and we shall shew you the way of it was thus; Mr. *Thynne* passing through the Street to go home in his Coach, three Persons came riding up to the Coach-side, and while the one stopped the Horses, immediately the Blunderbus was discharged into the Coach against Mr. *Thynne*, and gave him those Wounds, of which the next Morning he dyed. Presently these three Men ran away, but one of them let fall a Pistol upon the place, which I shall observe as a Material Circumstance against these Persons, because we shall prove whose the Blunderbus was. These things being done, this Murder Committed, and they gone away, it began to work in Peoples thoughts, and Circumstances began to come out, that this Blunderbus should be Ordered to be bought by Captain *Vratz*, who had Discoursed with many Persons about the Quarrel he had with Mr. *Thynne*, and given Order to his Servant to way-lay his Coach, and these Persons being Rid out at that time, there was a great Suspicion that they did it. Great care there was taken, and great means used, as no doubt there would be, to Apprehend the Malefactors; and by great Providence it was found out at last, that this Captain *Vratz*, according to his Word, had altered his Lodging, and was got to a Doctors House, that lived, I think, in *Leicester Fields*. Being there surprized, and coming upon his Examination, he did not deny but he was there one of the three that was at the place when and where Mr. *Thynne* was Murdered, but he pretended, he did intend to Fight him in a Duel, and kill him fairly, as he called it. But Gentlemen, I must Observe this to you, in my small time of Experience of the World, I never knew a Man go to Fight a Duel, and carry out with him a Second with a Blunderbus. 'Tis not possible he should go with such a Design as he would insinuate, but rather with an intention of Murder. For the *Polander*, he came into *England* but



the Friday before, and so we shall prove to you that which will stick hard upon the Count. Upon Friday, he being landed, he inquires for the young Count's Tutor, which was at an Academy of one Monsieur *Fauberts*; and there he inquires for the Count's Secretary; he lay there, I think that Night, and upon Saturday he was conveyed to the Count's Lodgings. There also he was lodged for one Night. The Count was pleased to bespeak him a very good Sword, and a Coat for him, that he might be well armed, and there he lay Saturday-night, as I said, the night before the Murder was committed. Upon Sunday, Gentlemen, there being a Message sent to this Doctor, where *Vratz* lay, the night following that the Count would speak with the Doctor, the Doctor came, and the Doctor and the *Polander* went away to Capt. *Vratz* Lodging, and from thence to *Holborn*, to the *Black Bull*, and the Captain was carried in as much secrecie as he could, for he was carried in a Sedan; and I think we shall be able to prove by the persons that carried him, that this was the Man. For the other Gentleman, *Stern*, the Lieutenant, as they call him, he was an antient Acquaintance of Capt. *Vratz*'s, had known him long ago in *England*, and complained to him, that Lodgings might be very dear: but the Captain told him, he had a Design; that if he would assist him, as a brave fellow, would maintain him, and he should not want Money to bear all his Charges. But we shall prove, that this was the third person that rid out with the *Polander*, and the Captain in this Garb, that I told you of, this night that the Fact was done. And indeed, Gentlemen, upon their Examination they have every one confessed the Fact; even the *Polander* confessed, that he did shoot off the Blunderbus; and *Vratz* confessed, that he was there, and the Lieutenant *Stern*; so that if there had been no more Evidence, it would have been sufficient to maintain the Issue, and in our Circumstances, it is more perhaps than could be expected. This, Gentlemen, is the principal Sum of the Evidence that will be given against the three Principals. For the fourth, Gentlemen, Count *Coningsmark*; he is a person of great Quality, and I am extraordinary sorry to find the Evidence so strong against him, as my Brief imports; I wish his Innocence were greater, and our Evidence less; for he is a person of too great Quality, one would hope, to be concerned in a thing of this nature; but that he was the main Abettor and Procuror of this Barbarous Business, we shall prove upon these grounds: First, That he had a Design upon Mr. *Thynne*'s Life; for, Gentlemen, coming into *England*, about three Weeks before this Matter was transacted, first he lies in disguise, and lies private, and removes his Lodging from place to place frequently; That he sent a person to inquire of the *Swedish* Resident, Whether, or no, if he should Kill Mr. *Thynne* in a Duel, he could by the Laws of *England* afterwards Marry the Lady *Ogle*? So that Mr. *Thynne*'s Death was in prospect from the beginning. Gentlemen, We shall prove to you, as I did in some measure open before, that the Count himself was pleased to give express order, that the *Polander* should have a good Sword bought him; That before he came into *England*, he was very much troubled, by reason of the stormy Weather, for fear he should be cast away; that he lodged him in his own Lodging the Night before this Act was perpetrated; and that Captain *Vratz* was the Morning before and immediately after with the Count. Another thing, Gentlemen, that I had almost forgot; The Count was willing to be instructed in the Laws of *England*, and inquired, Whether a man might lawfully ride out upon a Sunday? and being told, That after Sermon he might; he was very well satisfied: and the day he inquired of it, was the day that the Murder was committed. After the thing was done, Count *Coningsmark* the next Morning pretended he was to go to *Windsor*, and leaves his Lodging; but instead of going to *Windsor*, (being still in his disguise) he goes to *Rotherhith*, by the Water-side, and there, I think, he continues two or three days in a Black Peruque; (and that is disguise enough for such a Gentleman.) And afterwards he goes to *Gravesend*; but, I think, he was upon the Water some time before he thought it convenient to land; and there he was surprized in this disguise. And when he was surprized and taken, he shew'd himself to be in great disorder: but being charged with the Fact, acknowledged nothing of the Matter; but how it should come to pass, that he should lie so long disguised, upon no pretence that can be known, and afterwards to pretend that he had a business to effect, and then he was to go into *France*, that will lye upon him to answer. But these are the inducing Evidences that we give to you; his keeping the *Polander* in his House, his disguising of himself, and his inquiring, Whether if he Killed Mr. *Thynne*, he might not Marry my Lady *Ogle*? his flight the next day, and pretending to go to *Windsor*, when he went quite the other way,

in a disguise; And these persons  
for any particular quarrel to M  
the Terms that the Witnesses  
we must leave it to you to  
upon their own heads, or whether

My Lord, I shall not  
begin and call our Witnesses,  
we will prove the Fact downrig

My Lord, first we will direct  
Call William Cole and William  
some persons to Interpret  
the Aliens that are of the Jury; for  
know what to make of the Evidence

Then Vandore and Wright

My Lord desires that the  
for, to be here, for they are Witnesses  
We desire they may be here  
they are here, my Lord.

Mr. Vandore does not speak  
Mr. Croven speaks Dutch

Mr. Craven

The Count desires the favor  
of the Court to have Pen and Ink.  
Call William Cole and William

Who appeared, and

William Cole? Set him up. Acquaintance  
and the manner of it.

My Master was coming up

Name your Master.

Who was your Master?

And I had a Flambeau in

at the lower end of

that I turned my Face back

was Murdered: and I see three

and I pursued after them, and

Market, till I was quite spent, and

my Master was got into the Horse

You say you heard a Blunderbus

away from the Coach.

Look upon the Prisoners at the

cannot; I did not see their Faces,

But do you take any of them

What time of Night was it?

Pray what day of the Week?



way, and all in a disguise ; And these persons not having any appearance, or any reason whatsoever, for any particular quarrel to Mr. *Thynne*, but the Count having some disgust to him, upon the Terms that the Witnesses will tell you of by and by, and being related to the Count, we must leave it to you to judge, whether these Gentlemen did it singly and purely upon their own heads, or whether they were not set upon it by the Count.

*Sir Fra. Winn.* My Lord, I shall not trouble you with repeating of our Evidence, but we will begin and call our Witnesses, directly to prove the Murder done by these Gentlemen ; we will prove the Fact downright upon them, and then we shall afterwards come to the Count.

*Mr. Williams.* My Lord, first we will direct our Evidence to the Principals, and then to the Accessory. Call *William Cole* and *William Ellers*.

*L. C. J.* Swear some persons to Interpret the Evidence that shall be given : I do it for the sake of the *Aliens* that are of the Jury ; for some of them understand no *English*, and they will not know what to make of the Evidence, if they do not repeat it to them in their own Language.

*Then Vandore and Wright were sworn for the King.*

*Sir N. Johnson.* My Lord desires that the Doctor and the Taylor that are in Prison may be sent for, to be here, for they are Witnesses for him.

*Sir Fra. Winn.* We desire they may be here too, for they are Witnesses for the King, and I believe they are here, my Lord.

*Sir N. Johnson.* Mr. *Vandore* does not speak *French*.

*Sir Will. Roberts.* Mr. *Craven* speaks *Dutch* and *French* very well.

*Mr. Craven was sworn.*

*Sir N. Johnson.* The Count desires the favor of Pen and Ink.

*L. C. J.* Let the Count have Pen and Ink.

*Mr. Williams.* Call *William Cole* and *William Ellers*.

*Who appeared, and were sworn.*

Which is *William Cole* ? set him up. Acquaint my Lord and the Jury how Mr. *Thynne* was Assaulted, and the manner of it.

*Cole.* My Lord, my Master was coming up *St. James-street*, from the Countess of *Northumberland*.

*Sir Fra. Winn.* Name your Master.

*Mr. Williams.* Who was your Master ?

*Cole.* Mr. *Thynne*. And I had a Flambeau in my hand, and was going before the Coach, and coming along, at the lower end of *St. Albons-street*, I heard the Blunderbuss go off ; so upon that I turned my Face back, and saw a great smoke, and heard my Master cry out he was Murdered : and I see three Horsemen riding away on the right side of the Coach, and I pursued after them, and cryed out Murder ; I ran to the upper end of the *Hay-Market*, till I was quite spent, and was able to go no further, and turning back again, my Master was got into the House, and I understood he was wounded : that is all I know.

*Mr. Williams.* You say you heard a Blunderbuss go off, and turning back, you saw three Men riding away from the Coach.

*Cole.* Yes.

*Mr. Williams.* Look upon the Prisoners at the Bar : Can you say all them, or any of them were the men ?

*Cole.* No I cannot ; I did not see their Faces, but I saw the Horse of one of them was a little Bay Horse.

*Mr. Williams.* But do you take any of them Men to be one of the three ?

*Cole.* I did not see any of their Faces.

*Sir Fra. Winn.* What time of Night was it ?

*Cole.* A quarter after Eight.

*Sir Fra. Winn.* Pray what day of the Week ?

*Cole.* Sunday.

*Sir Fra. Winn.*



*Sir Fran. Win.* What day of the Month?

*Cole.* The 11th. or 12th. of February.

*Sir Fran. Win.* Then, where is *William Ellers*? Pray do you tell the Court and the Jury how *Mr. Thynne* was Wounded, and by whom, and what you know of it.

*Ellers.* My Lord, I came with my Master from *St. James-street* from my Lady *Northumberland's*, and as I came at *St. Albans-street*, there came three Men Riding by the right side of the Coach, and as they Rid, one of them turned about, and bid me stop, you Dog, and just as I looked about, the fire was let into the Coach upon my Master, and the Men ran away as fast as they could.

*Sir Fran. Win.* How many were there of them?

*Ellers.* There were three.

*Sir Fran. Win.* Were those Men at the Bar, or any of them the Persons?

*Ellers.* I cannot tell.

*Sir Fran. Win.* What were the words they said when the Coach was stopped. Hold, hold, or stop, you Dog?

*Mr. Williams.* What Condition was your Master in then? Was he shot then?

*Ellers.* Yes.

*Mr. Williams.* We will give you some Evidence now out of their Examinations.

*L. C. J.* You had best give some Evidence of his Wounds.

*Mr. Williams.* Yes, we will. Call *Mr. Hobbs* the Chirurgeon.

*L. C. J.* Look you, *Mr. Craven*, you hear what these Witnesses say, tell it to the Gentlemen of the Jury that are *Outlandish Men*, That these Witnesses swear, there were three Men did do this thing; the one of them stopped the Coach, and the other shot into it, but it was at that time of Night, they could not know their Faces, and they all Rid away.

*Mr. Craven.* My Lord, if you please, the Witnesses may speak by degrees, and between every Witness I will give the Jury an Account.

*L. C. J.* Well, it shall be so; but these say no more than what I tell you, That three Men did do this.

*Then he Interpreted it to the Jury.*

*L. C. J.* What says that Gentleman to you?

*Mr. Craven.* He says, he hears that three Men did do it, but he says, he does not hear that they knew any of them.

*Then Mr. Hobbs was Sworn.*

*Mr. Williams.* Had you the searching of *Mr. Thynn's* Body after it was hurt?

*Mr. Hobbs.* Yes.

*Mr. Williams.* How did you find him?

*Mr. Hobbs.* I was with him, Sir, that Night he was Wounded, and I found him shot with four Bullets which entred into his Body and tore his Guts, and wounded his Liver, and his Stomack, and his Gall, and wounded his great Guts, and his small Guts, and broke one of the Ribs, and wounded the great Bone below.

*Sir Fran. Win.* What time came you to him?

*Mr. Hobbs.* About Nine or Ten of the Clock.

*Sir Fran. Win.* Did he dye of those Wounds?

*Mr. Hobbs.* Yes, he did dye of those Wounds.

*Mr. Williams.* Did you apprehend them all Mortal, or any, or which of them?

*Mr. Hobbs.* I believe there was never a Wound but it might prove Mortal.

*Sir Fran. Win.* Now tell us what day of the Week, and what day of the Month it was.

*Mr. Hobbs.* It was *Sunday-Night*, the 12th. of February, I think.

*L. C. J.* What did you observe of the Bullets, was there any thing done to them more than ordinary?

*Mr. Hobbs.* I could not see any thing, I have them here, my Lord.

*L. Chief Baron.* Were they Iron or Lead?

*Then Mr. Hobbs delivered them into Court.*

*Mr. Hobbs.* Two of them, the little ones, may be Iron, for one of them went through a thick Bone, and yet there was no impression on it.

*L. C. J.* And this that has the impression, you think might be done against the Bones.

*Mr. Hobbs.* Yes.

*L. C. J.* Was

*L. C. J.* Was this left ragged on  
*Mr. Hobbs.* Which, my Lord?  
*L. C. J.* This that is left at the  
side, or harder to heal?  
*Mr. Hobbs.* No, but as they take  
*L. C. J.* Would not the ragged  
*Mr. Hobbs.* No, only bruise the  
side healed. All Bullets wound  
*L. C. J.* Well, these were the  
*Mr. Hobbs.* I verily believe they  
were, but I believe them to be the  
*L. C. J.* Was there any lodged in  
*Mr. Hobbs.* Yes, one of the little  
*L. C. J.* Had they broke the great  
*Mr. Hobbs.* Yes, the great bone in  
*L. C. J.* Two of them?  
*Mr. Hobbs.* A great one and a little  
lodged in the back-bone.  
*L. C. J.* Was any of them gone throo  
*Mr. Hobbs.* One of them lay between  
*L. C. J.* None were got quite through  
*Mr. Hobbs.* None.  
*Mr. Win.* Call the Coroner, *Mr. W*  
*L. C. J.* Tell the Jury, *Mr. Craven*, what  
[*Thur*  
*L. C. J.* What says that Gentleman?  
*Mr. Craven.* He says, 'tis very well, he  
[*L. C. J.* The rest of them understand  
*Mr. Craven.* He told it in French to  
[*L. C. J.* Let *Mr. Hobbs* have the Bullets  
[*Then Mr. W*  
*Mr. Win.* Now we will ask the Cor  
[*L. C. J.* Lord, what you know of this M  
*Mr. Win.* On the Thirteenth of February  
[*Mr. Win.* Elquire, and I found he had fo  
[*Mr. Win.* they seemed to be like holes mad  
[*L. C. J.* And there the Bullets were found?  
*Mr. Win.* There the Chirurgeon found th  
[*Mr. Win.* Were you by?  
*Mr. Win.* I was at the taking of them  
[*Mr. Win.* 'Tis fit that the *Polander* should b  
[*Mr. Win.* Captain *Vratz*, you hear wh  
[*Mr. Win.* He says he does understand it.  
[*Mr. Win.* Pray tell the *Polander* what  
[*Mr. Win.* persons assaulted the Coach, and  
[*Mr. Win.* *Elquire* was killed, by the shot caus  
[*Mr. Win.* that these four Bullets were found in  
[*Then it was Interprete*  
*Mr. Win.* He says, my Lord, he cannot t  
[*Mr. Win.* himself, but he fired it, he says.  
[*Mr. Win.* He confesses he fired them.  
[*Mr. Win.* My Lord, the Jury defi  
[*Mr. Win.* Ask him who Charged it.  
[*Mr. Win.* He can tell, my Lord, he says.  
[*Mr. Win.* It will not be very material that,  
E



*L.C.J.* Was this left ragged on purpose to do the more mischief?

*Mr. Hobbs.* Which, my Lord?

*L.C.J.* This that is left at the end here. Would this be more Mortal than another Bullet, or harder to heal?

*Mr. Hobbs.* No, but as they take up a greater space in flying.

*L.C.J.* Would not the raggedness hinder the healing?

*Mr. Hobbs.* No, only bruise the flesh, which bruised flesh must come away before it can be healed. All Bullets wound by bruising of the flesh.

*L.C.J.* Well, these were the Four Bullets that were found in *Mr. Thynnes* Body.

*Mr. Hobbs.* I verily believe they are. *Dr. Lowre* had them out of my hands for a day or two, but I believe them to be the same.

*L.C.J.* Was there any lodged in the Stomach?

*Mr. Hobbs.* Yes, one of the little ones.

*L.C.J.* Had they broke the great bone?

*Mr. Hobbs.* Yes, the great bone in the bottom of the Belly.

*L.C.J.* Two of them?

*Mr. Hobbs.* A great one and a little one; two of them passed through that Bone, and lodged in the back-bone.

*L.C.J.* Was any of them gone through the body?

*Mr. Hobbs.* One of them lay between the Ribbs and the Skin.

*L.C.J.* None were got quite through then?

*Mr. Hobbs.* None.

*Sir Fr. Win.* Call the Coroner, *Mr. White.*

*L.C.J.* Tell the Jury, *Mr. Craven*, what this Witness has said.

[Then he Interpreted it.]

*L.C.J.* What says that Gentleman?

*Mr. Craven.* He says, 'tis very well, he understands part of it.

*L.C.J.* Do the rest of them understand it?

*Sir N. Johnson.* He told it in French to the others.

*L.C.J.* Let *Mr. Hobbs* have the Bullets again when the Jury have seen them.

[Then *Mr. White* was Sworn.]

*Sir Fr. Win.* Now we will ask the Coroner a Question or two. Pray will you acquaint my Lord, what you know of this Murder of *Mr. Thynne*.

*Mr. White.* On the Thirteenth of February, in the Afternoon, I sat upon the Body of *Thomas Thynne* Esquire, and I found he had four Holes on his right side, behind his short Ribbs, and they seemed to be like holes made with Bullets. And I gave order to open the Body.

*L.C.J.* And there the Bullets were found?

*Mr. White.* There the Chirurgeon found them.

*L.C.J.* Were you by?

*Mr. White.* I was at the taking of them out.

*L.C.J.* 'Tis fit that the *Polander* should have one to Interpret what is said against him.

*Mr. Williams.* Captain *Vratz*, you hear what is said, and understand it.

*Interpreter.* He says he does understand it.

*Mr. Williams.* Pray tell the *Polander* what is said. That is, the two first Witnesses say, Three persons assaulted the Coach, and one shot into the Coach, and by that means *Mr. Thynne* was killed, by the shot out of the Blunderbuss; and the Chirurgeon does say, that these four Bullets were found in his Body.

[Then it was Interpreted to the *Polander*.]

*Interpreter.* He says, my Lord, he cannot tell how many Bullets were in, he did not charge it himself, but he fired it, he says.

*Sir Fr. Win.* He confesses he fired then.

*Sir W. Roberts.* My Lord, the Jury desire to know if the *Pole* can tell who did charge it.

*L.C.J. North.* Ask him who Charged it.

*Interpreter.* He can tell, my Lord, he says.

*L.C.J.* It will not be very material that, for his Evidence can charge no body but himself.



Sir Fr. Win. Now, my Lord, if you please, we will call those persons the Justices of the Peace that Examined these men upon their apprehension for the Murther of Mr. Thynne. Call Mr. Bridgman, and Sir John Reresby.

[Who were Sworn standing upon the Bench.]

Interpreter. My Lord, he says the Blunderbuss was given him by the Captain.

Sir Fr. Win. Mr. Bridgman, were you by at the taking of the Examination of these persons?

Mr. Bridgman. Yes, I was. And these were the Examinations were taken.

Sir Fr. Win. Were you by all the while?

Mr. Bridgman. Sir John Reresby and I did take these Examinations. And I will read them if you please.

L.C. J. As to that, let it alone, if you please. Mr. Bridgman, when the Polander was Examined concerning this Murder, what did he say?

Mr. Bridgman. He owned, to the best of my remembrance; but I refer to the Examination if I mistake.

L.C. J. Look upon it to refresh your memory, Sir, and then tell us.

Mr. Williams. Look first what the Polander said, and then we will go on to the others.

Sir Fr. Win. Now, Sir, will you please to acquaint my Lord, and the Jury, what he or any of them confessed of the Fact.

L.C. J. What the Polander confessed first.

Mr. Bridgman. The Polander upon his Examination before Sir John Reresby and me, did own that he came into England at the desire of Count Conningmark.

L.C. J. Speak only as to himself; for it is Evidence only against himself.

Sir Fr. Win. My Lord, his Confession is intire, and we can't separate it.

L.C. J. But we must direct what is just and fitting. His Evidence can charge no body but himself; and that is the reason I would not have his Examination read, for it cannot be read but only against himself.

Mr. Bridgman. Upon his Examination he confessed, that he was present when the Captain stopped the Coach; that he fired the Musquetoon by the Captains order; and that before he did it, the Captain bid him as soon as ever he stopped the Coach, to fire.

Sir Fr. Win. Did he confess he did fire?

Mr. Bridgman. Yes, he did.

L.C. J. North. As he does now.

L.C. J. Look you, now you do tell the Polander, that the Evidence against him is, That he did fire this Musquetoon, or Blunderbuss, or what you will call it?

Interpreter. He does confess it.

L.C. J. Tell him what I say, that this Evidence is given against him, That he did formerly acknowledge he discharged the Blunderbuss into the Coach, when Captain Vratz stopped the Coach.

Interpreter. Yes, my Lord, he says 'tis true, he fired according to his order.

Sir Fr. Win. Pray, Sir, consider what was confessed by the Captain.

Mr. Bridgman. He confessed he had a design to fight with Mr. Thynne, & Mr. Thynne having several times refused to fight with him, he resolved to oblige him to fight by force, and therefore he had taken these persons along with him; that if he should fail in his Revenge, or after the thing done he should be pursued, he might make his escape. He confessed he was there, and stopped the Coach, but the Polonian fired by mistake; for he did not bid him to fire, but only in case he should be hindred from fighting, or making his Escape.

L.C. J. He confessed he came to fight Mr. Thynne.

Mr. Bridgman. Yes, he did so.

L.C. J. And that he stopped the Coach?

Mr. Bridgman. Yes.

Sir Fr. Win. You said after the thing was done; what was that thing?

Mr. Bridgman. After he had fought, in case he should be stopped in his Escape, he bid the Polander fire.

Sir Fr. Win. Did he confess any thing of the delivery of the Gun to him?

Mr.

He confessed the Polander  
did it.  
The Captain Vratz, you hear w  
you came thither with a de  
should not be willing; and you  
should kill him; that you  
order to fire, unless he refused  
No, unless he could not ma  
Now what say you to this?  
He desires to understand it.  
Then speak it to him, you th  
[The Mr. Craven interprete  
Now speak aloud and tell us what  
He says 'tis very true, that he w  
along with him as his servants, &  
servants about him. And  
from Mr. Thynne; upon that, he  
give satisfaction by fig  
in England Duels were for  
Gentlemen along with h  
or knock him on the head,  
in the favour of you, Sir, th  
was that Mr. Thynne  
apprehends he gave him?  
[The Interpreter  
Lord, he says, That at Ri  
of Count Conningmark, w  
and so of himself to, a  
but would have satisfacti  
he says, that he heard th  
never to be suffered.  
And the fashion in German  
can you tell that, Sir? the L  
you ask him this, Whether c  
he has seen him several tim  
not see him at Richmond, for  
believe he never spoke to him i  
that question, whether he ever  
he had no Friend to send  
himself; for Mr. Thynne might thin  
with him.  
Now this, about what time he saw  
he does not remember exac  
whether this Affront that he p  
when he was in England before?  
He says 'tis eight Months agoe sin  
was before he went out of Engla  
Yes, it was before.  
He says he writ to Mr. Thynne out  
with Challenge.  
He says he sent a Challenge to Mr. T  
he says he could send no less tha  
third by, and so he sent his Letter by



*Mr. Bridgman.* He confessed the *Polander* had the Gun, but he said nothing from whom he had it.

*L.C.J.* Now Captain *Vratz*, you hear what is said against you by this Gentleman; that you owned you came thither with a design to fight *Mr. Thynne*, and force him to fight if he should not be willing; and you brought these men with you to carry you off, in case you should kill him; that you did stop the Coach, and you said you did not give him order to fire, unless he refused to fight you.

*Mr. Bridgman.* No, unless he could not make his Escape.

*L.C.J.* Now what say you to this?

*Sir N. Johnson.* He desires to understand it.

*L.C.J.* Why then speak it to him, you that are the Interpreter.

[Then *Mr. Craven* interpreted it to him in French.]

*L.C.J.* Now speak aloud and tell us what he says.

*Mr. Craven.* He says 'tis very true, that he was there, and had that Gentleman and the *Polander* along with him as his servants, *Mr. Thynne* being a Gentleman that had always a great many Servants about him. And he says, my Lord, that he had received an Affront from *Mr. Thynne*; upon that, he challenged him, and sent Letters out of *Holland* to desire him to give satisfaction by fighting, but could have no satisfaction; and therefore because in *England* Duels were forbid, he thought to make a Rancounter of it, and took these Gentlemen along with him, that if so be *Mr. Thynne's* servants should assault him, or knock him on the head, or hinder him from escaping, that they might get him off.

*Sir Fr. Win.* I beg one favour of you, Sir, that you would ask him one question, and that is, What the Affront was that *Mr. Thynne* gave him?

*L.C.J.* That he apprehends he gave him?

[The Interpreter asked him.]

*Mr. Craven.* My Lord, he says, That at *Richmond* he heard he spoke and gave out very ill language of *Count Conningmark*, who was his Friend, and a man he had many Obligations to, and so of himself to, and he would never acquaint *Count Conningmark* with it, but would have satisfaction, and take the Quarrel upon himself, being a Gentleman; he says, that he heard that he called him *Hector*, and gave such ill language as was never to be suffered.

*Sir N. Johnson.* And the fashion in *Germany* is, if they won't fight, to shoot them.

*Sir Fr. Win.* How can you tell that, Sir? the Interpreter that asked the question says no such thing.

*L.C.J.* Pray will you ask him this, Whether ever he saw *Mr. Thynne*, and how many times.

*Mr. Craven.* He says, he has seen him several times in the Play-house, and riding in his Coach; he did not see him at *Richmond*, for if he had, he would not have put it up so long.

*Mr. Williams.* I believe he never spoke to him in his life.

*L.C.J.* Ask him that question, whether he ever spoke to him?

*Mr. Craven.* He says he had no Friend to send to *Mr. Thynne*, and he could not speak with *Mr. Thynne* himself; for *Mr. Thynne* might think that he was not a Gentleman good enough to fight with him.

*L.C.J.* Ask him this, about what time he saw him at the Play-house?

*Mr. Craven.* He says he does not remember exactly the time when he did see him at the Play-house.

*L.C.J.* Ask him whether this Affront that he pretends, was given him since he last came over, or when he was in *England* before?

*Mr. Craven.* He says 'tis eight Months agoe since he received the Affront.

*L.C.J.* That was before he went out of *England*.

*Mr. Craven.* Yes, it was before.

*Sir Fr. Win.* He says he writ to *Mr. Thynne* out of *Holland*; we desire to know by whom he sent his Challenge.

*L.C.J.* Ask him if he sent a Challenge to *Mr. Thynne*, and by whom.

*Mr. Craven.* He says he could send no less than a Gentleman; and he had never a Gentleman to send by, and so he sent his Letter by the Post.

*Mr.*



*Mr. Williams.* *Mr. Bridgman,* now we would ask you concerning *Mr. Sterne* the Third man.

*Mr. Bridgman.* Let me have the Examination, and I will look upon it and tell you.

*Mr. Williams.* Pray do, Sir, tell us what he said.

*Mr. Bridgman.* Upon his Examination he confessed, that the Captain told him, he had a Quarrel with a Gentleman, and that if he would assist him in it, he would make his Fortune. And that the Captain gave him money to buy the Blunderbuss.

*Sir Fr. Win.* *Sterne* did confess that, did he?

*Mr. Bridgman.* Yes.

*L.C.J.* Did he confess he was at the Fact?

*Mr. Bridgman.* Yes, he confessed he was at the Fact; and he said, when he came beyond *Charing-cross*, he was about ten yards before, and he heard the Captain say, Stop to the Coach, upon which he turned about, and presently saw the shot made, and he saw the other persons ride away, and he made away after them; and the Captain further told him, that he would give two or three, or four hundred Crowns, to find a man that would kill *Mr. Thynne*.

*Sir Fr. Win.* What did he speak about Stabbing, or about an *Italian*?

*Mr. Bridgman.* He said that the Captain desired him to get an *Italian* that would stab a man, and that he would get two Pennyards for that purpose; and that it was before the *Polonian* came over.

*L.C.J.* This is no Evidence against the Captain; but pray will you tell *Sterne* the Lieutenant, what it is that *Mr. Bridgman* does testify against him; that he acknowledged thus and thus before him. And pray speak it again, *Mr. Bridgman*.

*Mr. Bridgman.* The Captain told that Gentleman, that he had a Quarrel with a Gentleman, with whom he was resolved to fight; that he wanted a good Servant, and if he would assist him, he would make his Fortune; that he gave him money to buy the Musquetoon, and owned he was there; that he went out with the Captain and *Polander* on Horseback, about five or six a clock on Sunday; that they went towards *Charing-cross*, and when they were gone beyond *Charing-cross* into the *Palmall*, he heard the Captain say to the Coachman Stop; and turning immediately, he saw the shot go off; and that they riding away, he followed them; and that before the *Polander* came over, the Captain desired him to get an *Italian* to stab a man.

[Then that was Interpreted to *Sterne*.]

*Mr. Craven.* My Lord, he denies that he spoke any thing of Four hundred pound, or about the *Italian*.

*L.C.J.* Tell him it is testified, that he confessed he was at the Shooting of this Gentleman.

*Mr. Craven.* He says he was there, and being about ten yards off, he heard one say, Hold to the Coach, but he cannot say it was the Captain.

*Sir Fr. Win.* But was he there?

*Mr. Craven.* Yes, he says he was.

*Sir Fr. Win.* Who caused him to be there?

*L.C.J.* Ask him upon what occasion he was there?

*Mr. Craven.* He says the Captain intreated him to be there to be his Second, to fight with a Gentleman, and that was the reason.

*L.C.J.* Pray tell him 'tis testified here, that he bought the Musquetoon, and charged it.

*Mr. Craven.* He says he did assist at the loading of it, he was by.

*Sir Fr. Win.* Pray, my Lord, let us know who it was assisting him?

*L.C.J.* Why, that is no Evidence against any body.

*Sir Fr. Win.* But, my Lord, it was delivered to the *Polander* charged, and we desire to know who loaded it.

*L.C.J. North.* That is no Evidence; but yet the Question may be asked, and the Jury may be told 'tis no Evidence.

*L.C.J.* But we must not let the Jury be possessed by that which is not Evidence.

*L.C.J.*

*L.C.J. North.* Pray will you  
*Mr. Craven.* The Captain was  
*Sir Fr. Win.* Now we will a  
*Mr. Williams.* at the Examinations of the  
*Mr. Williams.* Examination?  
*Sir Fr. Win.* My Lord, I can  
*Mr. Williams.* I will re  
*L.C.J.* No, refresh your memo  
*Sir Fr. Win.* In general, he  
*Mr. Williams.* discharge the Blunderbus into  
*Mr. Williams.* by Captain *Drax*.  
*L.C.J.* That is the substance of  
*Sir Fr. Win.* That is as to him,  
*L.C.J.* He said, that he did go o  
*Mr. Williams.* these persons with him; th  
*Mr. Williams.* him when he bid the Co  
*Mr. Williams.* and he did so.  
*Mr. Williams.* What said *Sterne*?  
*Sir Fr. Win.* *Sterne* did say th  
*Mr. Williams.* an English Gentleman, and defin  
*Mr. Williams.* be his second; but said he, I  
*Mr. Williams.* there should be a crowd about t  
*Mr. Williams.* what they did confess.  
*L.C.J.* We would not trouble yo  
*Mr. Williams.* was there at the time when  
*Sir Fr. Win.* Yes, he did abou  
*Mr. Williams.* All three confessed they w  
*Sir Fr. Win.* Yes, they did so.  
*Mr. Williams.* They had a design  
*Sir Fr. Win.* They said, they c  
*Mr. Williams.* Win. Call *Michael Fend*  
*Mr. Williams.* offer only what is proper in  
*Mr. Williams.* the Count, and if any  
*Mr. Williams.* men (which we think will  
*Mr. Williams.* take notice of it. Now we th  
*Mr. Williams.* the Count, *Sir Francis Win*  
*Mr. Williams.* he will best declare it.  
*Mr. Williams.* We will begin with *Fr*  
*Mr. Williams.* How long have you know  
*Mr. Williams.* A matter of four years.  
*Mr. Williams.* Pray do you remember  
*Mr. Williams.* Yes my Lord, I do rem  
*Mr. Williams.* Then let us know th  
*Mr. Williams.* I think 'tis above a mon  
*Mr. Williams.* Where was his Lodg  
*Mr. Williams.* The first time I saw him  
*Mr. Williams.* Did he come privately  
*Mr. Williams.* Privately to my best kno  
*Mr. Williams.* Which was his first Loc  
*Mr. Williams.* In the Hay-market.  
*Mr. Williams.* Where there?  
*Mr. Williams.* At the corner house.  
*Mr. Williams.* How long did he cont  
*Mr. Williams.* A matter of a week.  
*Mr. Williams.* Pray in all that time  
*Mr. Williams.* sometimes?  
*Mr. Williams.* I believe he kept his Ch  
*Mr. Williams.* Were you with him a



L. C. J. *North*. Pray will you ask him, Mr. *Craven*, who helped him to load the Gun.

Mr. *Craven*. The Captain was by, he says, and the Captain and he did it together.

Sir *Fra. Win*. Now we will ask Sir *John Reresby* the same Questions, you were by Sir, at the Examinations of these three men, pray what did the *Polander* say upon his Examination?

Sir *John Reresby*. My Lord, I cannot charge my Memory with the particulars; but if your Lordship pleases, I will read it.

L. C. J. No, refresh your memory with it, and then tell us the substance of it.

Sir *John Reresby*. In general, he did confess to me, that he was the person that did discharge the *Blunderbus* into Mr. *Thynn's* Coach, and that he was commanded so to do by Captain *Uratz*.

L. C. J. That is the substance of all.

Sir *Fra. Win*. That is as to him, but what did Captain *Uratz* say?

L. C. J. He said, that he did go out with an intention to fight with Mr. *Thynne*, and did take these persons with him; that he did not order the *Polander* to discharge, but he mistook him when he bid the Coach-man stand, the other apprehended he bid him shoot, and he did so.

Mr. *Williams*. What said *Sterne*?

Sir *John Reresby*. *Sterne* did say this, that the Captain told him he had a quarrel with an English Gentleman, and desired him to go along with him and assist him in it, and be his second; but said he, I was chiefly carried out to keep off the people, in case there should be a croud about them when they were fighting; this is the chief part of what they did confess.

L. C. J. We would not trouble you with more than is material. Did he acknowledge he was there at the time when he was shot?

Sir *John Reresby*. Yes, he did about nine or ten yards off, I think.

L. C. J. All three confessed they were there?

Sir *John Reresby*. Yes, they did so.

L. C. J. *North*. They had a design of killing, which was unlawful.

Sir *John Reresby*. They said, they came on purpose to fight.

Sir *Fra. Win*. Call *Michael Fenderoston*: My Lord, we would willingly spare your time, and offer only what is proper in this Case, and now we shall produce our Evidence against the Count, and if any thing fall out in that Evidence that touches these three men (which we think will be but the killing of dead men) your Lordship will take notice of it. Now we shall not go to open the heads of our Evidence against the Count, Sir *Francis Withins* has given an account of the general, and our Witnesses will best declare it.

Mr. *Williams*. We will begin with *Frederick Hanson*. (Who was sworn and stood up.)

Mr. *Hanson*. How long have you known Count *Conningmark*?

Mr. *Hanson*. A matter of four years.

Mr. *Williams*. Pray do you remember his last coming into England?

Mr. *Hanson*. Yes my Lord, I do remember it.

Mr. *Williams*. Then let us know the time.

Mr. *Hanson*. I think 'tis above a moneth since.

Mr. *Williams*. Where was his Lodging first?

Mr. *Hanson*. The first time I saw him was in the Post-house.

Mr. *Williams*. Did he come privately or publickly?

Mr. *Hanson*. Privately to my best knowledge.

Mr. *Williams*. Which was his first Lodging?

Mr. *Hanson*. In the Hay-market.

Mr. *Williams*. Where there?

Mr. *Hanson*. At the corner house.

Mr. *Williams*. How long did he continue there?

Mr. *Hanson*. A matter of a week.

Mr. *Williams*. Pray in all that time did he keep privately at home, or did he go abroad sometimes?

Mr. *Hanson*. I believe he kept his Chamber all the time.

Mr. *Williams*. Were you with him at any time there?



Mr. Hanson. Yes, I was.

Mr. Williams. What Company did use to be with him to your knowledge?

Mr. Hanson. To my knowledge, I have seen Dr. Frederick in his Company.

Mr. Williams. One Dr. Frederick, you say, who else?

Mr. Hanson. When I came from *Whitehall* on a Sunday in the evening, when my Lord was going to bed, I called, if I could be admitted to see him, so I went in to him, and a little after the Doctor came.

Sir Fra. Win. Pray Sir at that time that he was in that Lodging, did he wear his own hair, or was he in a disguise?

Mr. Hanson. That Sunday night he was in his night-Cap and night-Gown, ready to go to bed.

Mr. Williams. When you first came to him to the Post-house, did you go of your own accord, or were you sent for?

Mr. Hanson. Count *Conningmark* sent for me.

Mr. Williams. Was it sent in his own name, or the name of another?

Mr. Hanson. It was in a strange name, *Carlo Cusk*.

Mr. Williams. Have you the Note by you?

Mr. Hanson. No.

Mr. Williams. In whose Character was it writ?

Mr. Hanson. In the Counts own Character.

Sir Fra. Win. What was his name in his first Lodging? What title was he called by, Captain, or what?

Mr. Hanson. I know of no other name but only the stranger.

Sir Fra. Win. Was it known to any person in the Family?

Mr. Hanson. No.

Mr. Williams. When did he remove from thence?

Mr. Hanson. I know not.

Sir Fra. Win. You say the first place of his Lodging was in the *Hay-market*, where did you see him the second time?

Mr. Hanson. At a corner House, I know not the name of the Street.

Sir Fra. Win. Did he direct you to come to him?

Mr. Williams. Had you any discourse with him, what his business was here in England?

Mr. Hanson. I asked him, if we should have his company here some time; he told me, he was come over about some business, and was afterwards to go into *France*.

Mr. Williams. Then he never told you what that business was?

Mr. Hanson. No.

Mr. Williams. Where was his second Lodging, do you say?

Mr. Hanson. It was at a corner house, not above two streets off from the former.

Mr. Williams. How long did he continue in his second Lodging?

Mr. Hanson. A few days, because the Chimney did so smok, that he could have no fire made in it.

Sir Fra. Win. Then I ask, you in his second Lodging, was he there publicly or privately?

Mr. Hanson. He was there after the same manner that he was in his first Lodging.

Mr. Williams. Whither went he afterwards?

Mr. Hanson. To *St. Martins Lane*, I think it is called.

Mr. Williams. How long did he continue there?

Mr. Hanson. There I saw him the last time before he went away.

Mr. Williams. When was that?

Mr. Hanson. It was the Sunday evening after I came from *Whitehall*.

Mr. Williams. Was it near the time of killing Mr. *Thynne*?

Mr. Hanson. It was about two or three hours afterwards.

Mr. Williams. Was he as private there, as he was in his other Lodgings?

Mr. Hanson. Yes.

Mr. Williams. What Company came to him thither?

Mr. Hanson. The same that came to him in the other.

Sir Fra.

Sir Fra. Win. Who were they?  
Mr. Hanson. The Doctor was in his  
Sir Fra. Win. And who else?  
Mr. Hanson. I saw one Captain *Uraz*  
Sir Fra. Win. Sir, I ask you upon your  
consequently see Captain *Uraz* in  
him at his Lodging?  
Mr. Hanson. I do not remember that  
time.  
Mr. Williams. Pray Sir thus: Did C  
at this time?  
Mr. Hanson. To my best remembrance  
Mr. Williams. You say Captain *Uraz*  
Mr. Hanson. I believe he was before t  
Mr. Williams. How long before the C  
Mr. Hanson. Truly I can't tell, but I b  
Mr. Williams. What makes you think  
Mr. Hanson. Because I saw him in Co  
Mr. Williams. Were they in Company  
Mr. Hanson. Yes.  
Sir Fra. Win. And you saw him once at  
Mr. Hanson. Yes.  
Sir Fra. Win. Pray Sir have you can  
Mr. Hanson. Yes.  
Sir Fra. Win. My Lord, I can say this  
mark never charged me,  
but he did name the Sw  
once; and so I being oblig  
and the young Count and m  
said Envy, I did rememb  
the said Envy about this b  
What was that Message?  
I say there was no direct m  
mark told me in private fac  
one had spoken some abusive lan  
sequence of this would be, if h  
he named the Swedish Envoy  
about the business, what  
Swedish Envoy, and he gave m  
able with Esquire *Thynne*, he  
the Law would say in that parti  
and afterwards would give  
I ask you, because you have  
Do you remember any  
fighting with Mr. *Thynne*?  
Count *Conningmark* spoke to  
Agent in *French*; and when  
therefore I desire no evil c  
the Count spoke of killing or due  
mark this, that I am confiden  
with Mr. *Thynne*, or would c  
what would be the conse  
Call him to account about  
The Count in familiar discou  
had spoken abusively of him.



Sir Fra. Winn. Who were they ?

Mr. Hanson. The Doctor was in his Company.

Sir Fra. Winn. And who else ?

Mr. Hanson. I saw one Captain Uratz there.

Sir Fra. Winn. Sir, I ask you upon your Oath, you are a man of understanding, did you frequently see Captain Uratz in his Company ? How often do you remember you saw him at his Lodging ?

Mr. Hanson. I do not remember that I saw Captain Uratz at that Lodging above one single time.

Mr. Williams. Pray Sir thus ; Did Captain Uratz come with the Count into England this last time ?

Mr. Hanson. To my best remembrance he did.

Mr. Williams. You say Captain Uratz came with the Count to England.

Mr. Hanson. I believe he was before the Count, but not long before ; I can't exactly tell.

Mr. Williams. How long before the Count ?

Mr. Hanson. Truly I can't tell, but I believe not long.

Mr. Williams. What makes you think he came into England with him ?

Mr. Hanson. Because I saw him in Company with the Count, as soon as I saw the Count.

Mr. Williams. Were they in Company at the Post-house ?

Mr. Hanson. Yes.

Sir Fra. Winn. And you saw him once at his first Lodging ?

Mr. Hanson. Yes.

Mr. Williams. Pray Sir have you carried any Message from the Count to the Swedish Resident ?

Mr. Hanson. My Lord, I can say this upon my Oath, to my best remembrance, Count Conningsmark never charged me, or gave me any positive Order to go to the Swedish Envoy, but he did name the Swedish Envoy to me, as if he were willing to know his advice ; and so I being obliged to pay my Respects to the Swedish Envoy, who had treated the young Count and my self very civilly before ; and so paying my Respects to the said Envoy, I did remember the Conversation I had with the Count, and spoke with the said Envoy about this business, and that is all that I can say.

Sir Fra. Winn. What was that Message ?

Mr. Hanson. I say there was no direct message : But I say this was the business ; Count Conningsmark told me in private familiar discourse, that he had heard that Esquire Thynne had spoken some abusive language of him, and he would fain know what the consequence of this would be, if he should call him to account about this business ; and he named the Swedish Envoy to me : And I saw his desire was to know his Opinion about the businesses, what the consequence of it would be. So I spoke to the Swedish Envoy, and he gave me this answer, That if the Count should any way meddle with Esquire Thynne, he would have but bad living in England ; but what the Law would say in that particular Case he could not answer, but he would enquire, and afterwards would give me an account, but I never spake with him after.

Sir Fr. Winn. I ask you, because you have been formerly examined in another place about this matter. Do you remember any thing that ever you heard the Count speaking of fighting with Mr. Thynne ?

Mr. Hanson. Count Conningsmark spoke to me in the German Language ; I spoke to the Swedish Agent in French ; and when I was before the King and Council I spoke in English ; therefore I desire no evil construction may be made of it. I cannot remember the Count spake of killing or duelling. On the contrary I can swear for Count Conningsmark this, that I am confident he never told me that he had resolved or would fight with Mr. Thynne, or would call him to account, but if he should call him to accompt, what would be the consequence of it.

Sir Fra. Winn. Call him to accompt about what ?

Mr. Hanson. The Count in familiar discourse with me did tell me, that he had heard Esquire Thynne had spoken abusively of him.

Sir Fra. Winn.



Sir Fra. Winn. How had he spoken abusively of him?

Mr. Hanson. He reflected upon his Person and upon his Horse.

Mr. Williams. Was there any thing in that Message about marrying my Lady Ogle?

Mr. Hanson. That was the last part of the question, That if he should meddle with Esquire Thynne, what the consequence might be, if the Laws of England would be contrary to him in the hopes or pretensions he might have to my Lady Ogle.

Mr. Williams. You mince your words mightily; pray remember your self; did he speak of killing Mr. Thynne, or that Mr. Thynne should be destroyed?

Mr. Hanson. No, his Phrase was; if he should have an advantage of him, when he should meddle with him, or call him to an account, what the Consequence might be; I can say this upon my Conscience.

Sir Fran. Win. Sir, you are in a place where you are Sworn to speak the Truth, the whole Truth, and nothing but the Truth; what Relation have you to Count Conningsmark's Family?

Mr. Hanson. I have no Relation to the Family at all.

Sir Fran. Win. Are not you Governour to the young Count?

Mr. Hanson. The Countess has given me her younger Son, for me to be his Companion in his Travels.

Sir Fran. Win. Sir, I ask you a plain Question, let it lye at your own door, if you won't tell the Truth; had you any Conversation with Count Conningsmark, wherein he did desire you to ask advice of the Swedish Envoy or Resident here, about duelling Mr. Thynne, or in case he should kill Mr. Thynne, or upon any such account?

Mr. Hanson. My Lord, I say this was spoken in several Languages, by the Count in Dutch, by my self to the Envoy in French; and I do know I Swore before the King and Counsel, but I cannot lay this to Count Conningsmark's Charge, for then I must forswear my self.

Sir Fran. Win. Sir, you can answer me all my Questions in English, if you please, what the Discourse was.

L. C. J. Pray Sir thus, what was the Discourse as near as you can remember it, between Count Conningsmark and you, relating to Mr. Thynne?

L. C. J. North. Tell the whole Sir, for you are bound to tell the whole indifferently.

Sir Fran. Win. And pray remember what you Swore in another Place.

Mr. Hanson. The Count sent to me a Note, that he had a mind to speak with me, and he entertained me with a familiar Discourse about his Travelling, and about the settling of his business, and thereupon he fell upon other Discourse about Mr. Thynne, and not to mistake, having had time in my own Chamber, I have put it down in writing, to satisfy my Lord and all this Honourable Court, what I can say about this Matter.

Mr. Hanson reads—'Tis very hard to give a true account.

L. C. J. Read it to your self if you will, and tell us the Substance.

Mr. Hanson. If my words may not turn to the prejudice of my Lord Count Conningsmark, but this is the substance of the thing; my Lord Count Conningsmark did tell me in familiar Discourse, that Esquire Thynne had spoken some reflecting Words upon him; he did desire to know if he did call him to account, whether in this case the Laws of England might not go contrary to his Design in his Pretensions, that he might have upon my Lady Ogle. And in that familiar Discourse, he seemed to think that Monsieur Lienburgh could give him advice. In a little while afterwards, I was paying my respects to the Envoy, and reflecting upon the Counts Conversation, I spoke to him about this business, and his answer was this; he told me, that if he should meddle with Mr. Thynne, he would have no good living in England: But as to the particular Question, what the Consequence of the Law might be, he did not know, but inquire and tell me, but I never asked him any Question about it afterwards. And if my Conversation with this Count, or with Monsieur Lienburgh, should turn to the Count's prejudice, I should be answerable for it to God and my own Conscience, all the dayes of my Life. I desire Mr. Thynne's blood might be revenged, but I desire also, that innocent Blood may be spared.

Sir

Sir Fra. Winn. Pray Sir, will you  
L. C. J. North. Only to recollect  
Then he was shown  
L. C. J. Now you have read it o  
again deliver the substance of yo  
will stand by it.  
L. C. J. I see that there are ex  
L. C. J. Speak not what is in that  
L. C. J. with Count Conningsmark  
L. C. J. My Discourse with Co  
amongst other things, he spoke  
upon what Subject, but I be  
he did not tell me that he desire  
to go to the Swedish Envoy, but  
that he was desirous to have his  
and go and ask his advice; I did no  
any order that can be called a Me  
I came to pay my respects in a fa  
roy; what might be the Consequen  
count; and he told me the same Answ  
I see only to consider, that it was  
L. C. J. I will write down my Expressions now,  
perhaps, appear not so well; so  
L. C. J. Conningsmark's prejudice, as that  
was used, or that ever Count C  
would call him to an account,  
L. C. J. to account, what might  
L. C. J. I would not intangle yo  
you positively, whether he  
he did resolve so and so;  
him?  
L. C. J. As I am before God  
L. C. J. Pray Sir, you confess y  
L. C. J. Yes.  
L. C. J. Did you bring the Envoy  
L. C. J. If I should be upon the Cou  
L. C. J. What was it that you discern  
L. C. J. He spoke in relation to a M  
L. C. J. What did that if relate to  
L. C. J. If he should ask him satisfac  
L. C. J. words of him?  
L. C. J. What then was to follow  
L. C. J. If he should call him to acc  
L. C. J. To whom?  
L. C. J. To the Count.  
L. C. J. What should befall him?  
L. C. J. Whether the Law should be  
L. C. J. Well, I see you will give  
L. C. J. the Palander over into England  
L. C. J. I cannot say positively I can  
L. C. J. But when did you see him  
L. C. J. Upon the Friday he came  
L. C. J. Now the young Count



Sir *Fra. Win.* Pray Sir, will you look upon that Paper, you signed it.

*L. C. J. North.* Only to recollect your Memory.

*Then he was shew'd his Examination before the Council.*

*L. C. J.* Now you have read it over, that there is under your own hand, do you now again deliver the substance of your discourse you had with Count *Conningsmark*, as you will stand by it.

*Mr. Hanson.* I see that there are expressions in this Paper.

*L. C. J.* Speak not what is in that Paper, but what discourse (as near as you can) you had with Count *Conningsmark*.

*Mr. Hanson.* My Discourse with Count *Conningsmark* was this; in a familiar Discourse amongst other things, he spoke, that he heard *Esq. Thynne* had affronted him, I don't know upon what Subject, but I believe it was words reflecting upon him and his Horse; he did not tell me that he desired me to go, nor did he give me any positive charge to go to the Swedish Envoy, but by the discourse I had with him, I did understand that he was desirous to have his advice, I thought his inclinations were, that I should go and ask his advice; I did not go on purpose to do the Message, nor did I receive any order that can be called a Message in my Life, to my remembrance; but when I came to pay my respects in a familiar Discourse, I did propose this to the Envoy; what might be the Consequence, if the Count should call *Mr. Thynne* to account; and he told me the same Answer that I have already told you. Now this I desire only to consider, that it was spoken in divers Languages; and if a man should write down my Expressions now, as they came from me, they would upon reading perhaps, appear not so well; so if these Expressions of mine should turn to Count *Conningsmark's* prejudice, as that I should Swear that this Phrase of killing or duelling was used, or that ever Count *Conningsmark* told me that he resolved to call, or that he would call him to an account, I might do him wrong perhaps, but if he should call him to account, what might be the Consequence of it.

*Sir Fran. Win.* I would not intangle you, but only I would seek after the Truth. I do not ask you positively, whether he did bid you go to ask advice of the Swedish Envoy, that he did resolve so and so; but did he discourse it thus, if he should Duel him or Fight him?

*Mr. Hanson.* As I am before God Almighty, I cannot say I heard such Expressions.

*Mr. Williams.* Pray Sir, you confess you acquainted the Envoy with it?

*Mr. Hanson.* Yes.

*Mr. Williams.* Did you bring the Envoy's Answer to the Gent. or no?

*Mr. Hanson.* If I should be upon the Gospel, I am sure I cannot exactly tell, what was the Expression.

*L. C. Baron.* What was it that you discerned he doubted, if he did call *Mr. Thynne* to account?

*Sir Fra. Win.* He spoke in relation to a Marriage, pray what was it?

*Mr. Williams.* What did that if relate to?

*Mr. Hanson.* If he should ask him satisfaction about it, having heard that he had spoken abusive words of him?

*Sir Fra. Win.* What then was to follow?

*Mr. Hanson.* If he should call him to account, then how the Laws of England might do in this Point?

*Mr. Williams.* To whom?

*Mr. Hanson.* To the Count.

*Mr. Williams.* What should befall him?

*Mr. Hanson.* Whether the Law should be contrary to him in the Design and Proposals he might have, concerning the Young Countess of *Ogle*.

*Mr. Williams.* Well, I see you will give no reasonable answer to that; but now, when came the *Polander* over into England?

*Mr. Hanson.* I cannot say positively I can tell when he came.

*Mr. Williams.* But when did you see him first?

*Mr. Hanson.* Upon the Friday he came and asked me for the Count at Monsieur *Fauberts* Academy. Now the young Count *Conningsmark's* Chamber and mine joyns together,



together, next to one another, and there came a man with him, I do not know his name, but if I see the man I know him.

Mr. Williams. You say the *Polander* came over on Friday?

Mr. Hanson. He came to me on Friday.

Mr. Williams. And he came to you to the *French Academy*, to enquire for Count *Conningsmark*?

Mr. Hanson. Yes, he did so.

Mr. Williams. Had he any Letters?

Mr. Hanson. Yes, he had two Letters.

Mr. Williams. From whom and to whom?

Mr. Hanson. I asked him if he had any Letter for Count *Conningsmark*, and he said no; but he told me he had two Letters, and the one was to the Count's Secretary, and the other was to the Count's Steward in *London*. So I gave him back his Letters, and asked him whence he came; he told me, he was just come into *England*. I asked him, whether he had been a great while at Sea, and he told me, yes; and that it was Stormy, and he had like to have been cast away; said I, I hear you are expected therefore; have you paid your Lodging; no, said he; then said I, go and pay your Lodging, and come to me in the Morning early.

Sir Fran. Win. You say you heard he was expected, pray who expected him?

Mr. Hanson. The Count; for he had spoken formerly twice of the *Polander*, and in the great Storm thought he had been drowned. To the best of my remembrance, I have heard the Count speak twice of this *Polander*.

Sir Fran. Win. Of this man?

Mr. Hanson. I suppose it is the same.

Sir Fran. Win. You say you saw him on Friday?

Mr. Hanson. Yes, I did.

Mr. Williams. When did he speak of the stormy Weather? And that he was afraid the *Polander* might miscarry?

Mr. Hanson. About twelve or thirteen dayes before.

Mr. Williams. Now say as near as you can what the Count said.

Mr. Hanson. He said the *Polander* was a mighty able man, and understood horses, and the Count had a mind to buy *English* Horses, and intended to have had this *Polander* as a Groom to dress them after the *German* way, and no man was abler than the *Polander* to do it; and when he spoke of it, I went once to the *Change*, and inquired whether the Ship was lost.

Sir Fran. Win. By whose Directions did you go to inquire whether the Ship were lost?

Mr. Hanson. I had no Direction, but only Count *Conningsmark*'s speaking about it.

Sir Fran. Win. He seemed to be concerned at it, did he?

Mr. Hanson. Yes, he was afraid that the *Polander* would be drowned.

Mr. Williams. You say you directed him to clear his Quarters?

Mr. Hanson. Yes, I did so.

Mr. Williams. Did you see him again the next day?

Mr. Hanson. Yes; he came the next day.

Mr. Williams. Was he the next day in Company with the Count or no?

Mr. Hanson. I brought him to the Count.

Sir Fran. Win. Where?

Mr. Hanson. It was a little before Noon; because I went the back way, and I left him at the Counts Lodging.

Mr. Williams. Did you leave him with the Count?

Mr. Hanson. Yes, I did.

Mr. Williams. Pray, as long as you were there, what passed between the Count and the *Polander*?

Mr. Hanson. I remember very well what passed between the Count and him, for I have thought of it. He spoke to him, and called him *thou*, as to his Servant, and asked him, where he had been all the while, and he answered he had been at Sea, tossed up and down.

Sir

Sir Fran. Williams. Pray what was the *Polander*?  
Mr. Hanson. I went to the Count's Lodging, I desired he would stay, I desired he would go about another Business, he had no man to send to the House near the Hay-market, I brought the Riding-Coat to the Count. Then the Count asked him how much his sword, he told me a matter of five shillings, I should get for it, I was to meet his Brother, I will take care you shall see him, but could not then I went as far as Charing-  
I told him, Sir, said I, I have a sword for a servant, therefore I will give it to you, and use you as my friend well, and use you as I should have the sword, I would call for it when I see the Counts Brother. V  
Conningsmark from the *Polander*, I was not ready. I seemed as strange, a Gentleman, him in an whole Afternoon, patient, I will send you to the Academy, and I after my Lodgings.  
Williams. Pray had you brought the *Polander* to the Count?  
Hanson. Count Conningsmark did buy a sword for him, but he said, he had nobody to  
Williams. Sir, You do not know; pray when had you this  
Hanson. On Saturday in the morning.  
Williams. When was it you brought him?  
Hanson. In the morning.  
Sir Fran. Win. Pray let me ask you, did you hear Mr. Thynne was killed?  
Hanson. I heard it I believe so.



Sir *Fra. Withins*. Pray what directions had you given about a Sword for that *Polander*?

Mr. *Hanson*. I went to the Counts Lodgings, and being desired by him to stay, I desired he would excuse me, for I could not stay, because I was to go about another Business; he told me the Fellow was all naked, and he had no man to send to buy him a Riding-Coat; I told him I would very willingly and heartily do it. And after I had dined, I went to an House near the *Hay-market*, and bought a Riding-Coat, and brought the Riding-Coat to the Counts Lodgings. I delivered it to the Count. Then the Count told me his Man had never a Sword, and I asked him how much his Lordship would please to bestow on a Sword, he told me a matter of 10s. or thereabouts; I told him I did not know where I should get such a Sword, nor how to send for it, because I was to meet his Brother, but I withal said, it is no matter for that, I will take care you shall have it; this Evening I went into *St. Martins-Lane*, but could not find ever a Sword worth a Groat. Then I went as far as *Charing-Cross* to a Cutler whom I knew, so I told him, Sir, said I, I have a Commission to bestow 10 s. on a Sword for a Servant, therefore said I, I leave it to your discretion, use my Friend well, and use your self favourably too. I asked him when I should have the Sword, he told me in the Evening; I told him I would call for it when I came from the Play, where I was to be with the Counts Brother. When I came back with the young Count *Conningmark* from the Play I called for the Sword, but he told me it was not ready. I seemed to be a little angry, and told him that it was strange, a Gentleman could not get a little Sword got ready for him in an whole Afternoon. Well, Sir, said he, pray do not be impatient, I will send you the Sword, and afterwards he sent it to the Academy, and I afterwards sent the Sword to Count *Conningmarks* Lodgings.

Mr. *Williams*. Pray had you this Direction for the Sword, after you had brought the *Polander* to the Count, or before?

Mr. *Hanson*. Count *Conningmark* did never give me any direction or charge to buy a Sword for him, but I did offer my Service if he pleased, because he said, he had no body to send.

Mr. *Williams*. Sir, You do not know the Question, or you won't apprehend it; pray when had you this direction from the Count to buy this Sword?

Mr. *Hanson*. On *Saturday* in the afternoon.

Mr. *Williams*. When was it you brought the *Polander* to the Count?

Mr. *Hanson*. In the morning.

Sir *Fra. Winn*. Pray let me ask you another Question, when was it you first heard Mr. *Thynne* was kill'd?

Mr. *Hanson*. I heard it I believe about eight a Clock in the evening on *Sunday*.

Sir *Fra.*



Sir Fra. Winn. Had you any Discourse with the Count about the Murder?

Mr. Hanson. Yes, I had.

Sir Fra. Winn. Pray tell what that Discourse was?

Mr. Hanson. I was at *Whitehall* till ten of the Clock, and then I went to the Count; but I desire this may not be taken as an extraordinary Visit, because I used to go to him on the *Sundays* in the Evenings, and those 3 sundays before he was taken, I used to come to him in the Evening, after I had been at *Whitehall*. When I came into his Lodgings, I found him in his Night-cap, and Night-gown; he asked me what News, I told him I could tell him great News, and that was of the killing of Esq; *Thynne*, who was Shot in his Coach; The Embassador of *Savoy* had told me all that he had heard about it, and I told it him. After I had spoken of this Business, he asked me where his Brother was; I told him, his Brother was at the Duke of *Richmonds*. And after some Discourse I went away.

Sir Fra. Winn. When you told him of the Murder of Mr. *Thynne*, did he make no Answer, nor say any thing about it?

Mr. Hanson. He did not make me any Answer, by which I could conclude that Count *Conningsmark* was any way concerned in the Business.

Sir Fra. *Withins*. Pray Sir, I ask you upon your Oath, the Count is a man of great Quality himself; When you told him of such an horrid Murder, what, did he say nothing about it?

Mr. Hanson. He asked me several Questions, what the People did say, but I would not make any mistake.

Sir Fra. Winn. Tell all he said Sir about it?

Mr. Hanson. I told him the greatest News I heard was, the killing of Mr. *Thynne*; and I told him who brought the News, and I told him the Court was heartily angry at it, that such an Accident should happen, and I said it was an *Italian* trick, not used in *England*.

Sir Fra. Winn. What said he then?

Mr. Williams. Pray do you remember what he said?

Mr. Hanson. What I have Answered now. He made me such Questions upon this story as I have told you.

L. Ch. J. Let him explain himself, pray as near as you can, relate what Discourse you had with Count *Conningsmark*, that *Sunday* night after you came to him and told him of the Murder.

Sir. Fra. Winn. What did he say to you?

Mr. Hanson. I will tell you my Lord; the Count was surprized as every man would be to hear of so sad an Accident, and so the Count asked me what the People said, so I told him what I heard at *Whitehall*, I cannot call to my memory all the Particulars; but I said the King was heartily sorry, and all the Court for so sad an Accident, and I must wrong my self or Count *Conningsmark*, if I should undertake to relate exactly what passed, for I cannot remember it.

Mr. Will.

But you said just now, not used in England.  
Yes, I did so.  
What did he reply to  
Not a word.  
Did he mention any  
Yes, he gave me a Plain,  
and that was all the discourse.  
So then he diverted the  
The Evidence is heard, what  
a Paper of Fortifications.  
But this he does say, He ask  
For my Life I dare not say  
Look you, Sir, now, will  
that don't understand English  
We pray, my Lord, our  
When a Man can speak both  
an Interpreter.  
My Lord, I will tell you  
I had, where you examine a man with  
the Hint: where you find it difficult to  
questions, and then interrogate him  
the interpretation of what he hath  
he shall be over the wiser.  
You may examine him in French  
And I understand none but  
The truth of it is, what you  
appeal to your Lordship, and  
never like an ingenious man  
not see it, nor do I believe  
tells you what the Question is  
to the Jury to consider.  
Certainly it can do no hurt to  
My Lord, if there be two  
to all Persons, let him be  
and have answered, and then  
but be liked better, let it be so.  
that this Gentlemen hath given  
No, I cannot, his Evidence has  
asked.  
I would spare your time —  
this is the way to spend our time  
I know your Lordship does not  
the Truth found out.  
You must repeat, first, the d  
My Lord, we will reduce it to  
him what discourse he had with  
He says, the discourse he had with  
he came over as a Groom to  
for several English Horfies, and  
among the rest of his Grooms, he  
times after the German way.  
So far he goes as to that, That  
Look you, Sir, does not he tell  
He says, there was a discourse



*Mr. VWilliams.* But you said just now, that you told the Count it looked like an Italian Trick, not used in England.

*Mr. Hanson.* Yes, I did so.

*Mr. VWilliams.* What did he reply to that?

*Mr. Hanson.* Not a word.

*Mr. VWilliams.* Did he mention any thing of Fortifications to you then?

*Mr. Hanson.* Yes, he gave me a Plain, or a Draught of a Fortification done with his own Hand, and that was all the discourse.

*Mr. VWilliams.* So then he diverted the discourse to the business of Fortification.

*L. Ch. J.* The Evidence is heard, what it is that he ended all the discourse with, shewing him a Paper of Fortifications.

*Sir Fr. VVin.* But this he does say, He asked him what the people did say of it?

*Mr. Hanson.* For my Life I dare not say I remember any more than I have told.

*L. Ch. J.* Look you, Sir, now, will you in French deliver this, for the benefit of those Jury-men that don't understand English.

*Mr. VWilliams.* We pray, my Lord, our Interpreter may do it.

*L. Ch. J.* When a Man can speak both Languages, he needs no Interpreter, he is his own best Interpreter.

*Mr. VWilliams.* My Lord, I will tell you why I ask it; there is a great deal of difference, I find, where you examine a man with the Hair, and where you examine him against the Hair: where you find it difficult to make a man answer, you will pump him with Questions, and cross interrogate him to sift out the Truth; now if you leave this Man to the interpretation of what he hath said himself, he will make a fine Story of it, and we shall be never the wiser.

*L. Ch. J.* You may examine him in French if you will.

*Mr. VWilliams.* And I understand none but Pedlers French.

*Sir Fr. VVin.* The truth of it is, what your Lordship says, cannot be opposed regularly; but I do appeal to your Lordship, and all the Judges, and all the Court, whether this man does answer like an ingenuous man; you see he shifts.

*L. Ch. J.* I do not see it, nor do I believe any see he shifts in any thing you ask of him; either he tells you what the Question is, or the reason of it; how far that is a Reason, is left to the Jury to consider.

*Sir Fr. Win.* Certainly it can do no hurt to have an Interpreter.

*L. Ch. J. North.* My Lord, if there be two ways to take, 'tis best to take that which will give satisfaction to all Persons, let him be asked by the Interpreter, what Questions the Counsel would have answered, and then let him to tell his Answer in French.

*L. Ch. J.* If that be liked better, let it be so. *Mr. Craven,* can you tell the substance of the Evidence that this Gentlemen hath given?

*Mr. Craven.* No, I cannot, his Evidence has been so long, and so many cross Questions have been asked.

*Sir Fr. Win.* I would spare your time ———

*L. Ch. J.* But this is the way to spend our time.

*Sir Fr. Win.* I know your Lordship does not value time in such a case as this is, but you would have the Truth found out.

*L. Ch. Just.* You must repeat, first, the discourse you had with Count *Conningsmark*.

*Sir Fr. Win.* My Lord, we will reduce it to two or three Questions. *Mr. Craven,* will you please to ask him what discourse he had with Count *Conningsmark*.

*Mr. Craven.* He says, the discourse he had with Count *Conningsmark* about the Polander, was, that he came over as a Groom to serve him to look after his Horses; that he had occasion for several English Horses, and English Servants to look after them as Grooms; and among the rest of his Grooms, he intended the Polander should be one, to dress his Horses after the German way.

*Sir Fr. Win.* So far he goes as to that, That the Polander came over to serve the Count.

*L. Ch. J.* Look you, Sir, does not he tell you, the Count had a purpose to buy Horses here.

*Mr. Craven.* He says, there was a discourse about Bills of Exchange of 7000 Pistols to buy Horses.



Sir. Fr. Win. Pray then will you ask him, what discourse he had with Count *Conningsmark* about the death of Mr. *Thynne*, and what the Consequences in Law might be.

Mr. Craven. My Lord, he says, that the discourse with Count *Conningsmark*, concerning the Swedish Agent, was, That in case he should ask Satisfaction of Mr. *Thynne*, for the Affronts that he had given him, not understanding the Customs of the Nation, if he should call him to account, what prejudice it might be to him; for he did not hear, he says, that Count *Conningsmark* designed any thing, or resolved upon killing him, or any thing of that nature; but whether if he should call him to account, what the Laws of *England* might be.

Mr. Williams. Call *John Wright*.

Sir N. Johnson. My Lord, the Count desires to know if he may be permitted to make his Defence against these Witnesses.

L. Ch. J. No, he is not to make his Defence now. But pray tell him if my Lord have a desire to ask any Questions of this Witness, he may ask what he pleases.

L. Ch. J. North. Let the Question be put to the Interpreter, that we may know what the Question is before the Witness gives an Answer.

Mr. Craven. He asks him if he has not seen him oftner in his Lodging undressed than dressed? And whether he was not to take Physick from his Physician.

Mr. Hanson. I do not remember that in all the time, I saw Count *Conningsmark*, I saw him dressed four times in his Coat, I cannot say I remember three times in all. The first time when he came he was in a Campaign Coat; but all the time he was in his Lodging, as I remember, he was in his Night-Gown and Cap. As to the other part of his Question, whether I heard that he took Physick? I say this, When I saw Count *Conningsmark* first at his Lodging; when I came to him, on the Sunday Evening, I was told the Count was in Bed: It was late, but I ventured to go into his Room, and sat a quarter of an hour there; and afterwards the Doctor came in, Dr. *Frederick*, I saw him oftentimes at his Lodging; and at the same time the young Count was sick of an Ague: and when he came one Evening to see the young Count, I asked him what was the Distemper the Count had? the Doctor answered me, that he had not told any Body that the Count was sick, or what he was sick of, but he hoped in God in a short time he would be recovered.

Mr. Craven. He asks him if he gave him any positive order, that he should go of any Message to the Swedish Envoy.

Mr. Hanson. This I have answered before, and I say now, If this discourse that I had with the Swedish Envoy, turn to the Lord Count *Conningsmark*'s prejudice, it would grate upon my Conscience all my life: Count *Conningsmark* never gave me any positive Order to carry any Message; but I did gather, by his discourse, that the Count might be desirous to know the Envoy's Opinion about this Question; and therefore I thought the Count desiring it, I would do it to please him, rather than by Order. But I do not know that ever the Count had a mind to give me such an Order, but I did it voluntarily.

L. Ch. J. In plain English, Did he ever direct you to go to the Swedish Envoy?

Mr. Hanson. No, my Lord, he never did direct me.

L. Ch. Baron. How came you to chuse a Forreigner to know what the Laws of *England* are?

Mr. Hanson. I thought it would please the Count to know his Opinion.

L. Ch. Bar. But how came you to chuse a Forreigner, I ask?

Mr. Hanson. He has been 19 Years here in *England*, and sure he should know.

Mr. Craven. My Lord, he asks him, if ever he told him that he had a design to fight Mr. *Thynne*, or do him any Prejudice, or send him a Challenge?

Mr. Hanson. My Lord, I am upon my Oath, and this I say, I speake it before God and the Court, Count *Conningsmark* did never tell me that he had any mind, or did resolve to call Esq; *Thynne* any ways to account.

Mr. Williams. Call *John Wright*. (who stood up, and was Sworn.)

Sir Fr. Win. We shall ask him but a Question or two, my Lord.

Mr. Williams. Pray tell me the time when this Polander came into *England*, that man at the Bar.

Mr. Wright. He came the 10th day of this Month.

Mr. Williams. Pray what Ship did he come in? where did you first meet with him?

Mr. Wright. Here in Town.

Mr. Williams. Where was it?

Mr. Wright. At the Cross-Keys in *Throgmorton-street*.

Mr.

Pray when you first saw him? He asked me where Count *Conningsmark* was at *Oxford*, I meant to go in Town; but I went and

Whither went you with me? I went to my Lord's Lodging.

What Lord?

The young Count's Lodging.

Well, and what then?

And I came to Mr. *Hanson*, and there about half an hour, or thereabouts.

When was this?

Upon Friday, the 10th day of the Month.

How long was Mr. *Hanson* with you?

About half an hour.

What said *Hanson* to him in your Lodging?

Mr. *Hanson* said nothing.

Was there any thing said about his Business?

Yes, he said nothing to the Polander, but to me.

Well, what did you do the next morning?

I came to him the next morning, and saw a Sea-bed that he had, and

ad whither did you bring him?

I brought him to the upper end of the

To what place did you come?

If it please you, I brought him to the

place that teaches to ride the

hard by, because he would

have a Gun, and other

called for a Pot of Ale, and

and gone to make water, but

comes in with him; he asked

some other Business, I was with

he bid the Pole pay me for my

and he did do so, and I never

that are the Interpreters, repeat

We have done with this man, the

we shall bring him to the

Doctor understands English, and

Yes, we are told he does.

How long have you known the

I have known him a good while,

four or five Years.

How long have you known

About a Year and a half, or two

Was my Lord and Capt. *Vratz* a

Was he in employment under

he was with the Count, but who

Did he live with the Count?

Did Capt. *Vratz*, when the Count



*Mr. Williams.* Pray when you first saw him, what did he ask you ?

*Mr. Wright.* He asked me where Count *Conningsmark's* Lodgings were ? I told him, I thought he was at *Oxford*, I meant the young Gentleman, for I did not know the other was in Town ; but I went and enquired, and they told me, it was at *Faubert's Academy*.

*Mr. Williams.* Whither went you with the Polander then ?

*Mr. Wright.* I went to my Lord's Lodgings.

*Mr. Williams.* What Lord ?

*Mr. Wright.* The young Count's Lodgings.

*Mr. Williams.* Well, and what then ?

*Mr. Wright.* And I came to *Mr. Hanson*, and he did deliver a Letter to *Mr. Hanson*, and I stayed there about half an hour, or thereabouts.

*Mr. Williams.* When was this ?

*Mr. Wright.* Upon *Friday*, the 10th day of this month.

*Mr. Williams.* How long was *Mr. Hanson* and the Polander together ?

*Mr. Wright.* About half an hour.

*Mr. Williams.* What said *Hanson* to him in your presence ?

*Mr. Wright.* *Mr. Hanson* said nothing.

*Mr. Williams.* Was there any thing said about going back, and paying his Lodging, and coming back ?

*Mr. Wright.* *Mr. Hanson* came down to me, and told me, he was glad to see me, and bid me take the Polander back with me, and bring him to him to morrow betimes, for he must dispatch him about his Business.

*Sir Fr. Win.* Then he said nothing to the Polander ?

*Mr. Wright.* No, but to me.

*Sir Fr. Win.* Well, what did you do the next morning ?

*Mr. Wright.* I came to him the next morning to this Polander, and he took his things with him, which was a Sea-bed that he had, and a Gun with a Wheel-lock, and some other things.

*Sir Fr. Win.* And whither did you bring him ?

*Mr. Wright.* I brought him to the upper end of the Hay-market, Monsieur *Faubert's School*.

*Mr. Williams.* To what place did you come in the morning, say you ?

*Mr. Wright.* Sir, if it please you, I brought him within a Door or two of *Mr. Faubert's* the Horse-master, that teaches to ride the great Horse ; for he did desire that we might go to an House hard by, because he would not carry his carriage to my Lord, he had a Sea-bed, a Portmantle, a Gun, and other things ; and so I brought him to an House, and there I called for a Pot of Ale ; and he put down his things and went out, I thought he had gone to make water, but within a little while after returns again, and *Mr. Hanson* comes in with him ; he asked me why I did not come sooner ? I told him, I had some other Business, I was with some French Merchants to look upon some Goods. So he bid the Pole pay me for my trouble, and take up his things, and go along with him ; and he did do so, and I never saw the Pole afterwards.

*L.Ch.f.* You that are the Interpreters, repeat what he hath said to the Jury. (*which was done.*)

*Sir Fr. Win.* We have done with this man, the use we make of him, is to follow this Polander, and we shall bring him to the Count by and by. Call *Dr. Frederick Harder.* (*who was sworn.*)

*L.Ch.f.* The Doctor understands English, don't he ?

*Sir Fr. Win.* Yes, we are told he does.

*Mr. Williams.* How long have you known the Count that stands there at the Bar ?

*Dr. Harder.* I have known him a good while, it may be this four or five Years ; I have known him four or five Years.

*Mr. Williams.* How long have you known Captain *Vratz* ?

*Dr. Harder.* About a Year and a half, or two Years.

*Mr. Williams.* Was my Lord and Capt. *Vratz* acquainted then ? *Dr. Harder.* Yes.

*Mr. Williams.* Was he in employment under my Lord ? was he in the Counts Service ?

*Dr. Harder.* He was with the Count, but whether he was his Companion, I cannot tell.

*Mr. Williams.* Did he live with the Count ? *Dr. Harder.* Yes.

*Mr. Williams.* Did Capt. *Vratz*, when the Count came last over into England, come over with him.



Dr. Harder. Yes, by my knowledg.

L. Ch. J. Do you know it or not ?

Dr. Harder. Capt. Vratz came to me, and told me, my Lord desired to speak with me, and I went with him to my Lord,

Sir Fr. Win. Was that the first Message you received from the Count ?

Dr. Harder. Yes, it was.

Mr. Williams. How long was that ago ?

Dr. Harder. The same day the Morocco Embassador did exercise in Hide-Park.

Sir Fr. Win. How long is that ago ?

Dr. Harder. About a month ago.

Sir Fr. Win. What, was that his first Lodging after he came last into England ?

Dr. Harder. It was in the Hay market.

L. Ch. J. Was it a corner House, as the other Witness saith, or not ?

Dr. Harder. Yes, it was.

Mr. Williams. Was the Count a private Lodger there ?

Dr. Harder. He lay in his Bed when I came to him; he came as a Traveller privately.

Mr. Williams. Did he go by his own Name, or another Name ?

Dr. Harder. No Body did question him about his Name, but when I did come to him, I did discourse him about his Body.

Mr. Williams. Pray Sir, thus ; you went often to visit him, pray did you enquire for him by his own Name, or any other Name ?

Dr. Harder. He desired that he might be private, because he was to take some Medicines, and he would not have it known.

Mr. Williams. Now Sir, I would ask you, did you observe him to be in any Disguise ? Did he wear a Perriwig, or how ?

Dr. Harder. He had a Perriwig.

Mr. Williams. Was it a fair Perriwig, or what colour ?

Dr. Harder. It was brown or black.

Sir Fr. Win. Sir, was he in a disguise, or no ?

Dr. Harder. He had his own Clothes, but he had a Perriwig.

Sir Fr. Win. Pray what Name did he go by, his right Name, or any particular Name ?

Dr. Harder. In the first beginning I gave him no Name, but said he to me, If any Body ask you about me, I would not be known ; for if they know that I lie privately thus, they will think I ail some ill Distemper, therefore I would have you call me by the Name of *Carlo Cuski*.

Mr. Williams. Were you with him, pray Sir, upon the Sunday Morning that Mr. Thynne was murdered ?

Dr. Harder. I cannot certainly tell, but I was with him in the afternoon.

Sir Fr. Win. Pray call your self to mind, Sir.

Dr. Harder. I cannot certainly tell.

Sir Fr. Win. What time were you with him in the Evening ?

Dr. Harder. At nine a Clock at night, or thereabouts.

Mr. Williams. Did you receive any Letter from Capt. Vratz at any time ?

Dr. Harder. I did, upon Saturday morning, the Saturday before Mr. Thynne was murdered.

Sir Fr. Win. Have you that Letter about you ?

Dr. Harder. No.

Sir Fr. Win. What was in the Letter ?

Dr. Harder. He desired me to go to the Count, who had a desire to speak with me. I came there and had some speech with him about his Indisposition ; I told him he had better stay till next day before he took Physick, because it was cold Weather. And after that went with the Polander to my Lodging, and the Captains man came in, and then said, here is a man that will direct you to Capt. Vratz Lodging ; which I did not know.

Mr. Williams. Look you, Sir, you say you went to the Count, Did you shew the Count that Letter from Capt. Vrats, or no ?

Dr. Harder. The Count saw it.

Mr. Williams. Then hear a little, When was it you shew'd the Letter to the Count ? Was it Saturday or Sunday ?

Dr. Harder. It was Saturday.

Mr.

Now, was the Polander  
Yes, he was.  
Was there any discourse  
I had never seen him in  
But was there any  
No, not at all.  
Then, upon your Oath  
with you and my Lord at  
No.  
Upon the Sunday, upon  
No.  
Nor the Saturday evening  
No, I have not seen him  
along with him to his Master.  
Pray how came the Po  
I had him from my Lords  
Williams. Then my Lord and the P  
Harder. No, they were not together  
Williams. Was the Polander in my  
Harder. Yes, the Polander was below  
Williams. And did you take him from  
Harder. Yes, I did.  
Williams. How long did he continue  
Harder. Not at all, I went home with  
Williams. Had you no discourse with  
Harder. No, none at all.  
Where did you part with  
I brought him to my House,  
there, I told him there was  
he took him away along with  
You say, the Captains  
I cannot tell his Name.  
Was his name Berg ?  
I believe it was.  
You say you delivered a Letter  
Yes.  
Did the Count read the Letter  
No, it was not sealed.  
Did not you know the Contents  
No.  
Pray, when you delivered the  
Letter to you ?  
The Letter was not written to  
What was the reason that  
received a Letter from Capt.  
afterwards I was desired to direct  
I directed him to Capt. Vratz,  
Well, Sir, one thing more an  
reasonable Answer ; pray,  
did you observe he had a  
He had a great Campaign Coat  
Did he seem to have any thing  
He had a Portmanteau under it,  
My Lord, the Count desired to  
Let him ask what Questions he w  
My Lord, he asks him whether  
he had not his Body full of Spo



Mr. Williams. Now, was the Polander then in the Count's Lodgings, or no ?

Dr. Harde. Yes, he was.

Mr. Williams. Was there any discourse about him then ?

Dr. Harde. I had never seen him in my life.

Mr. Williams. But was there any with the Count ?

Dr. Harde. No, not at all.

Sir Fr. VVin. Then, upon your Oath I ask you once more, Was the Polander ever in Company with you and my Lord at any time ?

Dr. Harde. No.

Sir Fr. VVin. Upon the *Sunday*, upon your Oath ?

Dr. Harde. No.

Sir Fr. VVin. Nor the *Saturday* evening ?

Dr. Harde. No, I have not seen him since that morning when the Captains man took him along with him to his Master.

Mr. Williams. Pray how came the Polander into your company on *Saturday* morning ?

Dr. Harde. I had him from my Lords that morning.

Mr. Williams. Then my Lord and the Polander were together ?

Dr. Harde. No, they were not together.

Mr. Williams. Was the Polander in my Lord's Lodgings ?

Dr. Harde. Yes, the Polander was below stairs.

Mr. Williams. And did you take him from the Lodging ?

Dr. Harde. Yes, I did.

Mr. Williams. How long did he continue with you ?

Dr. Harde. Not at all, I went home with him.

Mr. Williams. Had you no discourse with him ?

Dr. Harde. No, none at all.

Mr. Williams. Where did you part with him ?

Dr. Harde. I brought him to my House; and when he came in a Doors, the Captain's man being there, I told him there was a man would shew him the Captains Lodgings; and he took him away along with him.

Mr. Williams. You say, the Captains Man had the Polander from you; pray name that man.

Dr. Harde. I cannot tell his Name.

Mr. Williams. Was his name *Berg* ?

Dr. Harde. I believe it was.

Sir Fr. VVin. You say you delivered a Letter from Capt. *Vratz* on *Saturday* morning to the Count ?

Dr. Harde. Yes.

Sir Fr. VVin. Did the Count read the Letter, and tell you the Contents of it ?

Dr. Harde. No, it was not sealed.

Sir Fr. VVin. Did not you know the Contents of it then ?

Dr. Harde. No.

Sir Fr. VVin. Pray, when you delivered the Letter from Capt. *Vratz* to the Count, what did the Count say to you ?

Dr. Harde. The Letter was not written to the Count, but it was writ to me.

Mr. Williams. What was the reason that you shewed it to him then ?

Dr. Harde. I received a Letter from Capt. *Vratz*, that the Count desired to speak with me; and afterwards I was desired to direct this Man, the Polander, to Captain *Vratz*; and so I directed him to Capt. *Vratz*, and nothing more I know.

Sir Fr. VVin. Well, Sir, one thing more and I have done with you, for you will not, I see, give a reasonable Answer; pray, when the Polander came along with you from the Counts, did you observe he had any thing about him ?

Dr. Harde. He had a great Campaign Coat.

Sir Fr. VVin. Did he seem to have any thing under it ?

Dr. Harde. He had a Portmantle under it, I think, or some such thing.

Mr. Craven. My Lord, the Count desires to ask him some Questions.

L. Ch. J. Let him ask what Questions he will.

Mr. Craven. My Lord, he asks him whether he does not remember, when he first came to Town, he had not his Body full of Spots ?



**Dr. Harder.** Yes, my Lord, when he came from *Tangier*, he had spots over all his Breast; and it was feared they might get up higher towards his Neck, and indanger him very much.

**Mr. Craven.** He says, If my Lord pleases, he will shew it openly.

**L. Ch. J.** No, there is no need of that Coctor. Did you give him Physick for that?

**Dr. Harder.** Yes, for that I did administer Physick to him.

**Mr. Craven.** He says, my Lord, he over-heated himself in riding to *Tangier*, thinking to do the King and the Nation Service, and the Heat broke out in spots over his Brest.

**L. Ch. J.** The Doctor knows nothing of that.

**Mr. Craven.** He asks, Whether the Doctor was not desired by him to cure him; whether he did not tell him he would cure him of those Spots?

**Dr. Harder.** He desired me to administer Physick unto him?

**Mr. Craven.** He says, he went to *Strasburgh*, and when he came back, he was in the same condition he was in before; and he asks whether the Doctor did not undertake to cure him?

**Dr. Harder.** Yes, I did administer Physick unto him; and this my own man can testify and be witness of; because my Lord bid me take care that he might be private, for he would not have it known that he did take Physick; but I told my man, said I, 'tis my Lord *Conningsmark*, and therefore pray take care of him, and see that the Physick be made very well up.

**L. Ch. J.** You seem to intimate, as if he lay private to take Physick, pray let me ask you this Question, Did you give him Physick all this time?

**Dr. Harder.** Not always purging Physick, but some sort of Physick all the time?

**L. Ch. J.** What every night and morning? **Dr. Harder.** Yes, every day.

**Mr. Craven.** The Count desires to ask him where he was that unhappy day this Business was done?

**Dr. Harder.** I found him that day ill, lying down upon the Bed, I asked him how his Physick had worked; he told me he was afraid he had got some cold; and indeed I found him very much disordered, and I went home and fetched him some Physick to take that night.

**L. Ch. J.** By the Oath you have taken, was there any other occasion, or had you any other discourse with him, when you came on the *Sunday* night, but concerning his Physick?

**Dr. Harder.** My Lord, I will tell you the Truth; I never heard the Count speak any word in my life, that he had any concern, or design of any quarrel at all; nor any discourse, but about the administration of his Physick.

**L. Ch. J.** Let me ask you this Question, for they desire it here, What was the occasion? And whether you know the occasion why my Lord altered his Lodgings so often?

**Dr. Harder.** The first occasion was this, Because it was in the *Hay-market*; and his Man said it would be quickly known if he did continue there; so he would take another Lodging, which was in *Ruperts-street*, and there he lodged three days; but the Chimney did so smoke, that my Lord could not stay, because he could have no Fire in his Chamber, and the weather was very cold, for it did Snow, and therefore I told my Lord, it was not so proper for taking of Physick: Thereupon he desired me to take him another Lodging in *Queen-street*, which I did look about for, but it was not ready, so he had a Lodging taken for him in *St. Martins-lane*, where he lodged till he went away.

**Mr. Williams.** Pray, Sir, the Physick that you gave the Count, did it require his keeping within doors? might not he walk abroad with it, upon your Oath?

**Dr. Harder.** It did require him to keep in.

**Mr. Williams.** Pray then, how comes it to pass that the Count so suddenly could go by Water to *Gravesend*?

**Dr. Harder.** I do not know what was done afterwards.

**Sir Fr. Win.** I would ask you one Question, and I would fain have you give me a fair answer to it, What became of the Letter that Capt. *Vratz* writ to you, and you shewed it to the Count. **Dr. Harder.** It remained there upon the Table.

**Sir F. Win.** Did not you keep your own Letter? **Dr. Harder.** It was not of any Concern.

**Sir Fr. Win.** If the Letter were written to you, it is not so long since, but you can tell us the Contents of it; pray what were the Contents?

**L. Ch. J.** Can you remember what were the Contents?

**Dr. Harder.** He desired me to go to Count *Conningsmark*, who would speak with me; and that I would give his man an Answer when I came from him.

Sir

Sir Fr. Win. But what were you  
Dr. Harder. Nothing, but the Co  
Sir Fr. Win. But Capt. Vratz wa  
about Physick?  
Dr. Harder. It was nothing but  
Williams. We need not tro  
the Polander in the Count's H  
Williams. Pray, Sir, let me ask  
Dr. Harder. Mr. Hanson was there,  
Williams. Who else?  
Dr. Harder. The Captain came in,  
Sir Fr. Win. What time of night w  
Dr. Harder. It was at the same time  
Sir Fr. Win. That he seems to be ab  
Dr. Harder. We had not be  
Sir Fr. Win. Sir, was it one of the C  
Williams. You say you heard the  
Dr. Harder. Yes, upon Saturday morn  
Williams. Then became long wit  
Dr. Harder. Yes, to my Hou  
Williams. And you parted with him  
Dr. Harder. Yes, the Captains man took  
Williams. That was Berg, was it?  
Then this Evidence was  
He desires the Jury should kno  
Let it be repeated to them.  
He desires to know whether  
No, the Interpreter must do it  
Questions of the Doctor?  
No more Questions but ther  
Call Thomas Horwood. (w  
Pray, did you sell any Sw  
I sold a Sword to the Gov  
When was this? Mr.  
What time was it that he  
He bespoke it half an hour  
What did he say to you whe  
He said he would call for it  
Pray.  
What kind of Sword was it?  
An Horseman's Sword, as br  
s wear.  
When he came for the Sword,  
He was angry it was not don  
Where was it sent.  
To the Governor's Lodgings  
Now, my Lord, we will call  
this Gentleman, that can give y  
(Robert French appeared, a  
Pray, will you tell my Lord wh  
changing his Habit.  
I never saw him, my Lord, befo  
my House three or four days.  
How long is it since?  
Between three weeks and a mo  
What Name did he go by then?  
I did not know his Name.



Sir Fr. Win. But what were you to go to the Count to do?

Dr. Harder. Nothing, but the Count discoursed to me about his own Body and Inclination.

Sir Fr. Win. But Capt. Vratz was no Physician; why should he send you a Letter to talk about Physick?

Dr. Harder. It was nothing but my Lord would speak with me.

Mr. Williams. We need not trouble our selves with this Fellow, he confesses he found the Polander in the Count's House.

Sir Fr. Win. Pray, Sir, let me ask you, Who was with the Count on Sunday night?

Dr. Harder. Mr. Hanson was there, I think.

Sir Fr. Win. Who else?

Dr. Harder. The Captain came in, and went out again.

Sir Fr. Win. What time of night was it that Vratz came in to the Count?

Dr. Harder. It was at the same time that I was with him.

Sir Fr. Win. That he swears to be about nine a Clock; Was it after Mr. Thynne was killed?

Dr. Harder. We had not heard it.

Sir Fr. Win. Sir, was it nine of the Clock?

Dr. Harder. Yes, it was.

Mr. Williams. You say you found the Polander at the Count's Lodgings?

Dr. Harder. Yes, upon Saturday morning.

Mr. Williams. Then he came along with you from the Count's Lodgings?

Dr. Harder. Yes, to my House.

Mr. Williams. And you parted with him there?

Dr. Harder. Yes, the Captains man took him away with him.

Mr. Williams. That was Berg, wa'n't it?

Dr. Harder. Yes.

Then this Evidence was interpreted to the Jury.

Mr. Craven. He desires the Jury should know what the Doctor said about his Sickness.

L. Ch. J. Let it be repeated to them.

Mr. Craven. He desires to know whether he may not speak it in French himself.

L. Ch. J. No, the Interpreter must do it; (which was done.) My Lord, would you ask any more Questions of the Doctor?

Count Conn. No more Questions but them I have asked.

Sir Fr. Win. Call Thomas Howgood. (who was sworn.)

Mr. Williams. Pray, did you sell any Sword to the Count?

Mr. Howgood. I sold a Sword to the Governor, a broad Horseman's Sword.

Mr. Williams. When was this?

Mr. Howgood. On Saturday was fortnight.

Mr. Williams. What time was it that he bespoke it?

Mr. Howgood. He bespoke it half an hour after six at night.

Mr. Williams. What did he say to you when he bought it?

Mr. Howgood. He said he would call for it about eight a Clock at night, when he came from the Play.

Mr. Williams. What kind of Sword was it?

Mr. Howgood. An Horseman's Sword, as broad as two fingers, such as the Gentlemen of the Guards wear.

Sir Fr. Win. When he came for the Sword, what said he?

Mr. Howgood. He was angry it was not done, and I told him that I would send it to him quickly.

Sir Fr. Win. Where was it sent.

Mr. Howgood. To the Governor's Lodgings at the Academy.

Mr. Williams. Now, my Lord, we will call several Persons that were privy to the concealing of this Gentleman, that can give you a better account, Richard Hays and Robert French. (Robert French appeared, and was sworn.)

Sir Fr. Win. Pray, will you tell my Lord what you know of the Count's concealing himself, and changing his Habit.

Mr. French. I never saw him, my Lord, before I came here in Court, but it seems he did lodg in my House three or four days.

Sir Fr. Win. How long is it since?

Mr. French. Between three weeks and a month ago, just ten days before the Murder.

Sir Fr. Win. What Name did he go by then?

Mr. French. I did not know his Name.



Sir Fr. VVin. Who used to resort to him at that time ?

L. Ch. J. You say, Sir, you saw him not, what company did come to him ?

Mr. French. I did not see him indeed.

Sir Fr. VVin. Pray did Capt. Vratz come to him to your House ?

Mr. French. He lodged with him all the time.

Sir Fr. VVin. You say you know Capt. Vratz was there ?

Mr. French. Yes.

Mr. VWilliams. Did Dr. Harder use to come to him ?

Mr. French. Yes, several times a day.

Mr. VWilliams. What Name did he enquire for him by ?

Mr. French. The Doctor took the Lodging, and it was for a stranger, I heard no Name at all.

Interpreter. My Lord desires to know, whether you did not suspect he took Physick in the House ?

Mr. French. I suppose the Doctor did give you an account of that, I don't know that he did.

Interpret. Did not your Maid know of any such thing ?

Mr. French. My Maid is here, she will give you an account.

Sir Fr. VVin. Call Ann Prince ; (who was sworn.) Pray do you acquaint my Lord what you know of Count Conningsmark ; whether ever you saw him at your Masters House in the Hay-market ?

Prince. Yes, he lodged there.

Mr. VWilliams. When ?

Prince. He came thither last Friday was a month.

Mr. VWilliams. How long did he stay there ?

Prince. Till Wednesday.

Mr. VWilliams. At that time, who used to frequent his Company ?

Prince. I know no Body but the Doctor that used to come to him.

Mr. VWilliams. What Name did he go by ?

Prince. No Name at all as I know of ; they did not ask for him by any Name.

Mr. VWilliams. Did the Captain use to come to him ?

L. Ch. J. Her Master says he did lie there.

Prince. Yes, he used to lodg there.

Mr. VWilliams. Did the Captain give him any Physick ?

L. Ch. J. No, but the Doctor did.

Sir Fr. VVin. He only asks a merry Question.

L. Ch. J. But we are now upon the Life and Death of a man, pray let us have those Questions asked that are serious, not such light things as are permitted in ordinary Cases.

Sir Fr. VVin. Now, my Lord, we will call Francis Watts.

Mr. Craven. Maid, my Lord asks, whether he did not take a Vomit in your House ?

Prince. Not that I know of.

Then Francis Watts was sworn.

L. Ch. J. How old is the Child ?

Fr. Watts. Fifteen Years old last Christmas.

L. Ch. Baron. Ask him whether he understands what an Oath is ?

Mr. Thynne. He was sworn before the King and Council.

L. Ch. Baron. If he were sworn before the Council, he may give Evidence here sure.

Sir Fr. VVin. Were you at the Counts Service at any time.

Watts. Yes.

Sir Fr. VVin. How long ?

Watts. I was with him eleven days ; I came to him upon the Friday.

Sir Fr. VVin. How long was it before the Death of Mr. Thynne ?

Watts. I think it was ten days before the Death of Mr. Thynne.

Sir Fr. VVin. What was your Employment with him ?

Watts. His Boy to wait upon him.

Sir

Did you lye in the  
No, at my Fathers.  
What was the Agre  
Six pence a day, and my  
What Company d  
That Gentleman there in  
Was he often with y  
Yes, every day.  
How many Lodging  
Three: one in the Hay  
Thus Child, Do  
Yes.  
Williams. Were you in your  
Yes, I was.  
Williams. Who was in your M  
I came up, as I used to do in  
was the matter with the buffle in t  
inspiration for killing Ely Thynne.  
That was on the Mond  
company did you observe there the  
I cannot tell any thing exactly o  
Was Captain Vratz there  
I can't exactly remember.  
What time in the Evening  
at eight a clock.  
Can you tell who broug  
my Lady Seymour's Maid  
Did you observe any bod  
Pray who came?  
Gentleman in the black P  
Pray in what Habit was  
came in a great Coat; I can  
And what, did he speak to  
he spoke to no Body, but wa  
Did he go up to your Maste  
I believe so, but I stay'd belo  
How long did you stay in  
stay'd there about half an Hour  
Did you leave him there  
I did.  
Did he continue there all  
What time did you go a  
three Quarters of an Hour  
Do you remember you  
asked me on Sunday in the P  
the Streets on Horse-back on Su  
This was that Sunday morn  
he asked if they might be su  
before Sermon time and after  
About what time of the da  
four ten or eleven a Clock.  
Are you sure it was Sunday  
Then I ask you another Q  
do you remember that the Polan



Sir *Fra. Winn.* Did you lye in the same Lodging?

*Watts.* No, at my Fathers.

Sir *Fr. Winn.* What was the Agreement between your Father and the Count?

*Watts.* Six pence a day, and my diet.

Sir *Fr. Winn.* What Company did you observe came to the Count's Lodgings?

*Watts.* That Gentleman there in the black Perriwig.

Sir *Fr. Winn.* Was he often with your Master?

*Watts.* Yes, every day.

Sir *Fr. Winn.* How many Lodgings had he while you were with him?

*Watts.* Three: one in the Hay-market, and one in *Ruvert-street*, and then the last in *St. Martins*.

Mr. *Williams.* Thus Child, Do you remember the time of killing Mr. *Thynne*?

*Watts.* Yes.

Mr. *Williams.* Were you in your Master's Service then?

*Watts.* Yes, I was.

Mr. *Williams.* Who was in your Master's Company that morning before Mr. *Thynne* was killed?

*Watts.* I came up, as I used to do in the morning, to my Master, and he asked me what was the matter with the bustle in the Street? and I told him some body was taken upon suspicion for killing Esq; *Thynne*.

Sir *Fr. Wynn.* That was on the Monday morning; but the Suunday morning before, what Company did you observe there then?

*Watts.* I cannot tell any thing exactly of the Sunday morning.

Sir *Fr. Wynn.* Was Captain *Vratz* there?

*Watts.* I can't exactly remember.

Sir *Fra. Winn.* What time in the Evening was it reported Mr. *Thynne* was kill'd?

*Watts.* About eight a clock.

Sir *Fra. Winn.* Can you tell who brought the first news?

*Watts.* One of my Lady *Seymour's* Maids, who was telling the People of it below.

Sir *Fra. Winn.* Did you observe any body come to your Master's Lodgings afterwards?

*Watts.* Yes.

Sir *Fra. Winn.* Pray who came?

*Watts.* That Gentleman in the black Periwigg.

Mr. *Williams.* Pray in what Habit was he, and how came he in?

*Watts.* He came in a great Coat; I can't tell whether it was Cloath or Chamblet.

Mr. *Williams.* And what, did he speak to any Body, or go strait up?

*Watts.* No, he spoke to no Body, but went strait up Stairs.

Mr. *Williams.* Did he go up to your Master's Lodgings?

*Watts.* Yes, I believe so, but I stay'd below in the Shop.

Mr. *Williams.* How long did you stay in the Shop?

*Watts.* I stay'd there about half an Hour.

Mr. *Williams.* Did you leave him there?

*Watts.* Yes, I did.

Mr. *Williams.* Did he continue there all the time that you were in the House?

*Watts.* Yes.

Mr. *Williams.* What time did you go away?

*Watts.* About three Quarters of an Hour after that Gentleman came in.

Sir *Fra. Withins.* Do you remember you had any discourse with the Count, about riding on Sundays.

*Watts.* He asked me on Sunday in the Fore-noon, whether People were suffered to ride about the Streets on Horse-back on Sundays.

Sir *Fra. Winn.* This was that Sunday morning, was it?

*Watts.* Yes: he asked if they might be suffered to ride about the Streets on Sunday, I told him yes, before Sermon time and after Sermon time.

Sir *Fra. Win.* About what time of the day was it that he had this discourse?

*Watts.* About ten or eleven a Clock.

Sir *Fra. Winn.* Are you sure it was Sunday?

*Watts.* Yes.

Sir *Fra. Winn.* Then I ask you another Question; upon Sunday Morning or any other time, do you remember that the *Polander* was with the Count your Master?



Watts. He came in on the Saturday morning.  
 Mr. Williams. Was he in the Company or Presence of the Count?  
 Watts. I was above stairs when he came in.  
 Sir Fra. Winn. What do you know of any Sword that was delivered to him?  
 Watts. Upon the Sunday Morning there was a Sword brought to my Master's Lodgings, and my Master's man took it of me, and carried it up stairs, and this man, the *Polander*, afterwards had it below stairs.  
 Mr. Williams. When was this Sword brought to your Master's house?  
 Watts. It was on the Sunday morning.  
 Mr. Williams. What, the Cutler brought the Sword?  
 Watts. No, it was sent by a Porter from Mr. Hanson.  
 Mr. Williams. What Room was it carryed into when it was brought?  
 Watts. I think I did not carry it up: Yes truly, now I remember, I did, and delivered it to my Master.  
 Mr. Williams. Pray what did the Count say to you?  
 Watts. I asked him if there needed an Answer of the Note I carryed with it, and he said no.  
 Mr. Williams. To whom was that Sword delivered afterwards?  
 Watts. It was brought down, and afterwards this *Polander* had it.  
 Mr. Williams. That man there?  
 Watts. Yes.  
 Mr. Williams. You say that the Sword was given to the *Polander*: Pray speak that the Jury may hear. Who brought down the Sword?  
 Watts. I saw it in the *Polander's* keeping when it was below, but I cannot say who brought it down.  
 Sir Fra. Winn. Where did the *Polander* dine on Saturday?  
 Watts. He dined with my Master's Man and I on Saturday.  
 Sir Fra. Winn. Where did he lye that Night? At whose Chamber?  
 Watts. At our Lodgings in the Garret, in my Master's Man's Chamber.  
 Sir Fran. Winn. What day was this, do you say?  
 Watts. Saturday.  
 Mr. Williams. When the *Polander* had the Sword, do you remember any Boots that he had under his Arm.  
 Watts. Yes, he had Boots under his Arm.  
 Mr. Williams. And he had the Sword with him when he went away?  
 Watts. Yes.  
 Mr. Williams. Had he any Coat?  
 Watts. Yes, a new Coat.  
 Mr. Williams. Well, I ask you once more, what time of day was it that he went away with the Sword and the Boots?  
 Watts. It was in the Fore-noon.  
 Mr. Williams. What day of the Week?  
 Watts. Sunday morning.  
 L. Chief Just. Ay, but your Doctor that you examined before, says, the *Polander* went away with him, and he was not there on Sunday Morning.  
 Sir Fra. Winn. It is true, my Lord, it was too tender a point for the Doctor, he lyes under some Suspicion; and 'tis *proximus ardet* with him.  
 L. Chief Just. Well, call him again. Look you Doctor, you were asked before, and now you are asked again, were you at Count Coningsmark's Lodgings on the Sunday Morning?  
 Dr. Harder. I cannot certainly tell.  
 L. Chief Just. When did you see the *Polander* at the Count's Lodgings, and whether was it on Sunday morning?  
 Dr. Harder. On Sunday Morning I did not see him. The only time was when I fetched him from my Lords, I have not seen him before nor since.  
 L. Chief Just. Then call up the Boy again. Where did the *Polander* dine on Saturday?  
 Watts. He dined with me and my Master's Man.  
 L. Chief Just. Where?

Watts.

Below, in the Kitchen of  
 Where lay the *Polander*?  
 He lay in our Garret.  
 When went he from  
 On Sunday morning.  
 Had he an old Coat?  
 He had a new Coat.  
 Was the Doctor with  
 Yes, the Doctor went away.  
 I have not seen the  
 But were you at the  
 I do not know where  
 But when you fetched  
 My Lord, I can't say  
 Had the *Polander* a Sword?  
 I cannot positively say  
 a Sword.  
 Now come to your  
 I ask you, friend, this, You say he  
 No, I do not.  
 Do you remember the  
 Yes, he had something under  
 Had he a Butt-coat under  
 Let me ask you one  
 upon in your Master's Lodg-  
 Was there a Gun there?  
 When was that?  
 Upon Saturday.  
 The Musquetoon or Gun  
 brought by the *Polander*, or  
 tell that.  
 Was it a long Piece or a  
 or a short Piece.  
 Did the *Polander* take it away with  
 or that I know of.  
 Now, young man, I would  
 Sunday morning did you come  
 between 7 and 8 a clock, a  
 What condition was he in  
 was up.  
 What was he doing? was  
 that I see.  
 It was when he asked you  
 me what was the matter  
 taken that had killed Esq; Th  
 asked me when Esq; Thynne wa  
 mind any thing that was done  
 he went up stairs, but I ne  
 Did he ask you what Mr. T  
 and I told him I heard he w  
 the Duke of Monmouth was  
 he had been kill'd too.  
 What said the Count to  
 said nothing.



Watts. Below, in the Kitchen of our Lodgings.

L. Ch. Just. Where lay the *Polander* that night?

Watts. He lay in our Garret.

L. Ch. Just. When went he from your Master's Lodgings?

Watts. On Sunday morning.

Mr. Williams. Had he an old Coat or a new Coat upon him?

Watts. He had a new Coat.

L. Ch. Just. Was the Doctor with him?

Watts. Yes, the Doctor went away with him.

Dr. Harder. I have not seen the *Polander* above once in my Life.

Sir Fra. Win. But were you at the Count's on Sunday morning, or no, I ask you?

Dr. Harder. I do not know whether it was Saturday or Sunday.

L. Ch. Just. But when you fetched him away, was it Saturday or Sunday morning?

Dr. Harder. My Lord, I can't very well remember.

L. Ch. Just. Had the *Polander* a Sword when you went away with him?

Dr. Harder. I cannot positively say, but (as Travellers commonly have) he might have a Sword.

Sir Fra. Win. Now come to your self, and deal honestly, for you are upon your Oath; I ask you, friend, this, You say he might have a Sword, do you remember a pair of Boots?

Dr. Harder. No, I do not.

Sir Fra. Win. Do you remember the Coat he had uppermost?

Dr. Harder. Yes, he had something under his Coat, but I don't know it was Boots.

L. Ch. Baron. Had he a Buff-coat under his Campaigne?

Watts. Yes.

Sir Fra. Withins. Let me ask you one Question, young man, Do you remember you saw any Musquetoon in your Master's Lodging?

Watts. I did see a Gun there.

Sir Fra. Withins. When was that?

Watts. I saw it upon Saturday.

Mr. Williams. The Musquetoon or Gun that was in your Master's Lodgings, was it that which was bought by the *Polander*, or no?

Watts. I can't tell that.

Mr. Williams. Was it a long Piece or a short Piece?

Watts. It was not a short Piece.

L. C. Just. Did the *Polander* take it away with him?

Watts. No, not that I know of.

Mr. Williams. Now, young man, I would ask you as to *Monday* morning: About what time on *Monday* morning did you come to your Master's Lodgings?

Watts. It was between 7 and 8 a clock, a little after seven.

Mr. Williams. What condition was he in? was he in bed, or up?

Watts. He was up.

Mr. Williams. What was he doing? was he packing up?

Watts. Not that I see.

Sir Fra. Win. It was when he asked you about the Hubbub in the street; pray tell what he said to you.

Watts. He asked me what was the matter with the bustle in the street; and I told him that some were taken that had killed Esq; *Thynne*; and I told him all the story as near as I could: He asked me when Esq; *Thynne* was murdered? I told him the Night before, but I did not mind any thing that was done: But as I went down stairs, I met with a stranger, and he went up stairs, but I never saw my Master after, till he was taken.

Sir Fra. Win. Did he ask you what *Mr. Thynne* was?

Watts. Yes, and I told him I heard he was a man of a great Estate, and well-beloved, and that the Duke of *Monmouth* was in the Coach but a little before, and if he had not gone out, he had been kill'd too.

Sir Fra. Win. What said the Count to you, when you told him *Mr. Thynne* was well-beloved?

Watts. He said nothing.

Sir



*Sir Fra. Winn.* Can you remember who it was came to your Master then?  
*Watts.* I know the Man if I see him again.  
*Sir Fra. Winn.* Do you know his Name?  
*Watts.* No, I do not know his Name.  
*Mr. Williams.* Were any of your Master's Goods carried away then?  
*Watts.* Yes.  
*Mr. Williams.* What Goods were carried away then?  
*Watts.* Two Portmanteaus.  
*Mr. Williams.* Who carried them away?  
*Watts.* My Father carried them away.  
*Mr. Williams.* What time was it?  
*Watts.* Between 8 and 9 of the Clock.  
*Sir Fra. Winn.* It was time to be gone. How parted you and your Master?  
*Watts.* The Stranger did come in, and I never saw my Master afterwards.  
*Sir Fra. Winn.* What, did your Master take no Leave, nor say any thing to you?  
*Watts.* No.  
*Sir Fra. Winn.* What kind of Periwigg had he when he went away?  
*Watts.* He had a black Periwigg.  
*Sir Fran. Winn.* What Cloaths.  
*Watts.* A light coloured Suit, with gold Buttons.  
*L. Ch. Baron.* Will the Count ask the Boy any Questions?  
*Mr. Craven.* Did you see the Gun in the Room after the *Polander* was gone?  
*Watts.* Yes.  
*Lord Chief Just.* 'Tis very plain, that this Gun was none of the Gun that did this Mischiefe, but the Gun the *Polander* brought over from beyond Sea.  
*Sir Fra Winn.* Call the Boy's Father, *Thomas Watts* (who was sworn) How long have you known the Count?  
*T. Watts.* I do not know him but as I have seen him.  
*Sir Fra. Winn.* Were you employed to carry any thing for him?  
*T. Watts.* Two or three times I was.  
*Mr. Williams.* When were you last employed by him?  
*T. Watts.* The Morrow after the Murder was committed.  
*Mr. Williams.* What Time in the morning was it?  
*T. Watts.* It was between 8 and 9 of the Clock in the morning.  
*Mr. Williams.* What was it you did for him?  
*T. Watts.* I carried a Portmanteau, and a Portmanteau Trunck, and some other things.  
*Mr. Williams.* Where were you directed to deliver these?  
*T. Watts.* His Man told me they were to go to *Windsor*.  
*Mr. Williams.* Well, tell the whole Story.  
*T. Watts.* He bid me carry them to *Charing Croß*, that they might be put into the Coach there. But when he came to *Charing Croß*, a Coach-man and he had some Words, and he bid him open his Boot, and then he took the things from me, and put them into the Coach.  
*L. Chief Just.* Who was it that told you they were to go to *Windsor*?  
*T. Watts.* It was his Man.  
*Sir Fran. Winn.* I would ask you, Sir, when was the first time you knew the Count?  
*T. Watts.* It was ten or eleven days before.  
*Sir Francis Winning.* What was the occasion that brought you acquainted with him?  
*T. Watts.* I was Dr. *Frederick's* Porter, and he sent me to carry some things to the Count.  
*Mr. Williams.* Was it your Son that waited upon him?  
*T. Watts.* Yes. For when I brought the things, they said they had forgot to give me a Sword which I was to carry with the things; and I said, that I had a Boy that I would send, and I did so, and so they took a Liking to the Boy.  
*Mr. Williams.* What was the Agreement for your Son's Service?

*T. Watts.*

*Sir* Sixpence a Day, and his  
*Sir* *Winn.* What was the  
things to carry to the Coach  
*Sir* I can't tell his Name.  
*Williams.* He that pinched an  
and put them into the Coach  
*Sir* Did you see the Count  
*Sir* No, I did not see him.  
*Williams.* Have you been labour  
*Sir* Boy, that he should not be bro  
*Sir* No, Sir.  
*Williams.* Had you no endeavours  
*Sir* No.  
*Williams.* Did no body speak of an  
*Sir* No.  
*Williams.* Did any Merchant or a  
him into Service?  
*Sir* There was a Merchant that w  
on day left, but the Persons that wou  
chile ago.  
*Williams.* Call *Dennis Raynes*, and *T*  
*Sir* (see *Mr. Sturt* and *F*  
did you see the Count, the Prisoner  
*Sir* On Monday in the Afternoon.  
*Williams.* What time was it in the A  
the Evening.  
*Sir* Where was it?  
*Sir* House.  
*Sir* Where is that?  
*Sir* *Sturt*.  
*Sir* How came the Count to yo  
*Sir* not, I was not at home w  
*Sir* Pray when you saw him,  
*Sir* waited?  
*Sir* black Hair then.  
*Sir* How long did he continue a  
*Sir* Monday till Thursday Morning  
*Sir* Was he privately there or po  
*Sir* walked up and down the House.  
*Sir* What Country-man are you  
*Sir* *Sturt*.  
*Sir* What became of him after  
*Sir* Thursday Morning he took Wat  
*Sir* What way did he go, by B  
*Sir* *Sturt* carried him.  
*Sir* Pray what did the Count say  
*Sir* *Sturt*?  
*Sir* nothing at all. I came late  
*Sir* *Sturt*, then he told me that he w  
*Sir* What did he say to you when  
*Sir* did he tell you of his business?  
*Sir* said nothing; but that he was d  
*Sir* Upon your Oath, Sir, did yo  
*Sir* I lent him a Coat.  
*Sir* What say you to a black Su  
*Sir* black Suit did not belong to m  
*Sir* What say you to a Velvet  
*Sir* helped him to a Coat, Stockings,  
*Sir* Then I ask you, what did b  
*Sir* he did desire to have those C  
L



*T. Watts.* Six pence a Day, and his Victuals.

*Sir Fran. Winn.* What was the man's name (as you remember) that gave you the things to carry to the Coach, which were said to go to *Windsor*?

*T. Watts.* I can't tell his Name.

*Mr. Williams.* He that pinched and pushed you back, and took the things from you and put them into the Coach?

*L. C. Justice.* Did you see the Count that Morning?

*T. Watts.* No, I did not see him.

*Mr. Williams.* Have you been laboured and fought to by any body to conceal your Boy, that he should not be brought at this Tryal?

*T. Watts.* No, Sir.

*Mr. Williams.* Had you no endeavours used with you about it?

*T. Watts.* No.

*Mr. Williams.* Did no body speak of any such thing to you?

*T. Watts.* No.

*Mr. Williams.* Did any Merchant or any body send to you about this Boy, to take him into Service?

*T. Watts.* There was a Merchant that would have helped the Boy to a place on *Saturday* last, but the Persons that would have procured it were about it a good while ago.

*Mr. Williams.* Call *Derick Raynes*, and *Richard Chappel*.

(who were Sworn and Raynes stood up.)

When did you see the Count, the Prisoner at the Bar?

*Raynes.* On *Monday* in the Afternoon.

*Mr. Williams.* What time was it in the Afternoon?

*Raynes.* In the Evening.

*Mr. Williams.* Where was it?

*Raynes.* At my House.

*Mr. Williams.* Where is that?

*Raynes.* At *Rotherith*.

*Mr. Williams.* How came the Count to your House?

*Raynes.* I know not, I was not at home when he came.

*Mr. Williams.* Pray when you saw him, had he his own Hair or a Perriwig, or how was he habited?

*Raynes.* He had black Hair then.

*Mr. Williams.* How long did he continue at your House?

*Raynes.* From *Monday* till *Thursday* Morning.

*Mr. Williams.* Was he privately there or publickly?

*Raynes.* He walked up and down the House.

*Sir Fran. Winn.* What Country-man are you?

*Raynes.* I am a *Sweed*.

*Sir Fran. Winn.* What became of him after *Thursday*?

*Raynes.* On *Thursday* Morning he took Water and went to *Deptford*.

*Sir Fran. Winn.* What way did he go, by Boat, or how?

*Raynes.* A Waterman carried him.

*Mr. Williams.* Pray what did the Count say to you about his coming in a disguise to your House?

*Raynes.* I knew nothing at all. I came late home, and when I came to know of him what he was, then he told me that he was Count *Coningsmark*.

*Mr. Williams.* What did he say to you when you discovered that he was the Count? What did he tell you of his business?

*Raynes.* He said nothing; but that he was desirous to go to *Graves-End*.

*Sir Fran. Winn.* Upon your Oath, Sir, did you furnish him with any Clothes?

*Raynes.* Yes, I lent him a Coat.

*Sir Fran. Winn.* What say you to a black Suit?

*Raynes.* The black Suit did not belong to me.

*Sir Fran. Winn.* What say you to a Velvet Cap?

*Raynes.* I helped him to a Coat, Stockings, and Shoes.

*Sir Fran. Winn.* Then I ask you, what did he declare to you?

*Raynes.* Why, he did desire to have those Clothes.



Sir Fran. Winn. You are an honest man, tell the truth.

Raynes. He declared nothing to me.

Sir Fran. Winn. When you dressed him, why did he put on that habit?

Raynes. He thought his own Clothes were too cold to go upon the water.

Sir Fran. Winn. Had he no Clothes before?

Raynes. Yes, he had.

Mr. Williams. You had the warmer Coat, had you?

Sir Fran. Winn. Did he desire you to let him have your Clothes, because he was in trouble?

Raynes. He desired a Coat of me, and a pair of Stockings to keep his Leggs warm, and when he had got them, his own Shoes would not come on, so I lent him a pair of Shoes.

Sir Fran. Winn. I do ask you, did he declare the reason why he would have those Cloathes, was, because he would not be known?

Raynes. He said he was afraid of coming into trouble.

Sir Fran. Winn. Why were you unwilling to tell this?

Raynes. As soon as I came to know he was the man, I told him he should not stay in my House.

Sir Fran. Winn. Did you lend him those Clothes or sell them?

Raynes. I lent him them.

Sir Fran. Winn. Had you them again?

Raynes. No, I had not.

Sir Fran. Winn. Are you paid for them or no?

Raynes. No, my Ship lyes at the Key, and I came home late in the Evening, and found him there.

Sir Fran. Winn. Set up Richard Chappel.

Mr. Williams. When did you first see that Gentleman?

Chappel. On Thursday Morning at Ten of the Clock.

Mr. Williams. Where?

Chappel. At Rotherith.

Mr. Williams. How came you to him? who brought you?

Chappel. That Man.

Mr. Williams. What were you to do with him?

Chappel. To carry him to Graves-End.

Mr. Williams. Do you Row in a pair of Oars, or a Sculler?

Chappel. A Sculler.

Mr. Williams. Whither did you carry the Count that day?

Chappel. To Deptford.

Mr. Williams. Whither the next day?

Chappel. To Greenwich.

Mr. Williams. And whither then?

Chappel. To Greenhithe, and then the next day to Graves-End.

Mr. Williams. Was he in the same Clothes all the while?

Chappel. Yes, all the while.

L. C. Baron. Were you hired to wait upon him all that time?

Chappel. Yes, I was to have 5 s. every 24 hours.

L. C. Baron. Was he alone?

Chappel. No, this man was with him.

L. C. Justice. Did he go in the Sculler with him?

Chappel. Yes, to Deptford.

Mr. Williams. Well, now we will call the Gentleman that seized him at the Water-side at Graves-End.

Sir Fran. Winn. What did the Count call himself? What profession did he tell you he was of?

Chappel. He told me he was a Merchant.

Sir Fran. Winn. Did he say he was a Jeweller upon your Oath?

Chappel. Yes, he said he had bought Jewels.

Sir Fran. Winn. Where is Mr. Gibbons, and Mr. John Kid?

who were Sworn and Mr. Kid stood up.

Mr. Williams. Mr. Kid, pray Sir, will you acquaint my Lord and the Jury,

...that you found the Count  
...that all may hear you  
...that had some Information u  
...Of whom, and what  
...Of the Count where he  
...On Saturday in the A  
...Information where he  
...coming to me said,  
...Mr. Thyn's Blood  
...I believe, is at  
...in it, because  
...to go to a  
...but inquired of  
...Mr. Bridgman was not  
...where we had a Warrant, and  
...that was Examined, and  
...to carry his Clothes, a gre  
...down to Greenwich we  
...of us, to know whence they  
...and he called out her Sift  
...Dennis Jones, and so at last  
...And asked the man, w  
...he declared, he w  
...went back again to this Gentle  
...to him as a Neighbour  
...to be found, and where  
...That if we missed him tha  
...Morning, upon a Ve  
...on Sunday Night coming  
...he landed. There we  
...Land. So we thought it co  
...further danger. So I stay  
...re-stayres where the Wa  
...him, said I, your Lordsh  
...desired to know, whether  
...Count Cunningham.  
...the Major came and the Ca  
...all of any Argis about him  
...ed so he was, for there wa  
...up the River, the most of m  
...that had the Command  
...sent to guard the Count  
...was asking me concerning  
...gate on Friday, and th  
...With that, my Lord  
...And whether the Captain  
...He asked me, whether  
...some particulars; And said  
...Certainly, says my Lo  
...and Commerce with some  
...the Court, or he would neve  
...that he had confessed, he wept  
...concerned, and took up his  
...very much discomposed, and t  
...That was, when you co  
...Yes; my Lord was mightily  
...Winn. Did you at the first t  
...under?  
...No, I did not.  
...Winn. Was he in a Black Perri



in what Condition you found the Count at *Graves-End*. Tell the whole story, and speak aloud, that all may hear you.

Mr. *Kid*. I had some Information upon *Friday Night* of him.

Mr. *Williams*. Of whom, and what?

Mr. *Kid*. Of the Count where he was. So I made it my Business to inquire into it. On *Saturday* in the Afternoon a Gentleman came to me, and gave me certain Information where he thought that Gentleman the Count was. This Gentleman coming to me said, Mr. *Thynne* is a stranger to me, but said he, I would not have Mr. *Thynne's* Blood lye at my door. This same person who is put out in the *Gazette*, I believe, is at a Neighbour's house of mine. Says he, I desire you to be private in it, because it may do you a prejudice: so we went into a Coach at *Charing-Cross* to go to a Justice of Peace; I did not know where Sir *John Reresby* lived, but inquired of Mr. *Gibson's*, who told me, but he was not at home, and Mr. *Bridgman* was not at home; So we went to the Recorder, and there we had a Warrant, and then I came by water to *Rotherhithe*, and this same *Raynes* that was Examined, and his Wife where he lay, were gone to *Greenwich* to carry his Clothes, a grey Suit, and other Clothes that he had left. So going down to *Greenwich* we called every Boat that was upon the River aboard of us, to know whence they came. And we had taken her Sister along with us, and she called out her Sisters name *Mall Raynes*, and her Brothers name *Derrick Raynes*, and so at last we got the Boat wherein they were on board us. And we asked the man, what he had done with the Gentleman that lay at his House? he declared, he was gone away he did not know whither. So I went back again to this Gentleman that gave me this first Information, who did go to him as a Neighbour, to know whither he was gone, and where he was to be found, and where he would Land. So he declared the particulars, That if we missed him that Night, we should have him in the *Hope* upon *Monday Morning*, upon a Vessel that was to be cleared on *Monday Morning*. So upon *Sunday Night* coming to *Graves-end* about 8 or 9 a Clock, or thereabouts, there he landed. There were 13 or 14 *Swedes* at the same House where he was to Land. So we thought it convenient to take him at his first landing, for fear of further danger. So I stay'd at the *Red Lyon Back-Stayres*, and he landed at the *Fore-stayres* where the Watermen were. As soon as he was laid hold of, I came to him, said I, your Lordship shall not want for any thing that is convenient. He desired to know, whether I knew him? I told him; Yes, and that his name was Count *Coningsmarke*. That is my Name, says he; I do not deny it. So the Maior came and the *Custom-House Officers* Searched him? and found nothing at all of any Arms about him. He desired he might be used like a Gentleman, and so he was, for there was no abuse given to him, as I know of. Coming up the River, the most of my discourse was about Martial Affairs; a Serjeant that had the Command of a File of Musqueteers, which the Deputy-Governour sent to guard the Count to *White-Hall*, a Gentleman sitting there by me was asking me concerning Mr. *Thynne's* Murder; I told him, that I was at *New-gate* on *Friday*, and there I saw those that had done that barbarous Fact. With that, my Lord asked, what Lodgings there were in *New-gate*. And whether the Captain had a good Lodging? I told him a very good one. He asked me, whether he confessed any thing? I told him he had confessed some particulars; And said I, 'tis the most barbarous thing that ever was done. Certainly, says my Lord, this Mr. *Thynne* must have Correspondence and Commerce with some Lady that this Captain knew, that belonged to the Court, or he would never have done it. As for the *Polander*, I told him, that he had confessed, he wept mightily. With that my Lord seemed very much concerned, and took up his Clothes and bit them, and sat awhile up, but was very much discomposed, and then desired to lye down.

Sir *Fran. Winn*. That was, when you told him, the *Polander* had confessed:

Mr. *Kid*. Yes; my Lord was mightily altered in his Countenance.

Sir *Fran. Winn*. Did you at the first time that you seized him charge him with the Murder?

Mr. *Kid*. No, I did not.

Sir *Fran. Winn*. Was he in a Black Perriwig?

Mr.



Mr. Kid. His Cap fell off, and his Perriwig, just as I came to him.

Sir Fran. Winn. Set up Mr. Gibbons. Pray will you tell what passed.

Mr. Gibbons. My Lord, As soon as ever he came to shore, I walked by him, and gave him a little kind of a jostle, and my reason was, to see whether he had not a black Coat under his Campaign : I walked close to him just in this manner, as he walked along, so he turns about again, and went down to the Water-side, and asked the Water-men, Watermen, Have you stowed your Boat ? he answered, Yes ; Then come away said he ; so soon as he came back again, I caught him fast hold by the Arm, and the first word he said to me was, What do you come to Rob me ? said I, my Lord, you are my Prisoner, and I told him I was the King's Messenger that had waited there several days for him ; holding of him very hard whether, that was the occasion of it, or the Waterman that were on the other side of him, he dropped down his Sword between his Leggs ; but when I named his Name, he gave a little start and his Perriwig dropped off of his Face. We went up the Street to the Mayor, and the People crowding about us were very rude and very rugged, and he desired he might be well used. We did all we could to keep the People from him ; we went up to the Mayor's House, and when we came there, I desired he might be searched, whether he had any Arms ; He said, he had none, and there was none.

Sir Fran. Winn. When you had the Custody of him, whither did you carry him ?

Mr. Gibbons. We carried him to the Mayor's House, and after we removed him from his House to an Inn.

Sir Fran. Winn. What did you do the next Day ?

Mr. Gibbons. We stayed there about some 2 or 3 Hours. After an hour or half an hour's time, near upon an hour, my Lord came to me, and asked me my Name ; and he said, the reason was, that after his Trouble was over, he would give me thanks for my Civility to him. Captain Sinkleer, who stood by, gave him my Name before I could, that it was Gibbons. Yes said I, my Name is Gibbons, and I belong to the Duke of Monmouth : why says he, the Duke of Monmouth has no Command now, and therefore how could I take him by his Order ? My Lord, said I, I do not apprehend you by his Order ; you have killed a very good Friend of mine, and had not Providence ordered it otherwise, you had like to have killed a more particular Friend, and a Master : So my Lord he seemed to be very sorry at that ; but says he, I don't think they would have done any harm to the Duke of Monmouth.

Sir Fran. Winn. What else did he say ?

Mr. Gibbons. I think I have told you all that is Material.

Sir Fran. Winn. Were you in the Boat at any time, and gave him any Account of the Man's having Confessed ; what did he say to it ?

Mr. Gibbons. Sir, I was not there, nor I did not come up in the same Boat with him.

Mr. Williams. Did he mention any thing about a stain to his Blood ?

Mr. Gibbons. I ask your pardon, he did so.

Mr. Williams. What did he say ?

Mr. Gibbons. Says he, it is a Stain upon my Blood ; but one good Action in the Wars, or one Lodging upon a Counterscarp will wash away all that.

L. C. Justice. What did he say was a Stain upon his Blood ?

Mr. Gibbons. My Lord, If you please, I will tell you. As I said, he asked me my Name, because he would come to give me thanks for my Civility after his Trouble was over ; the Captain being quicker than I, told him my Name : Yes, Sir said I, 'tis Gibbons, and I belong to the Duke of Monmouth ; said he, he has no Command now, how could you come upon his Order ; said I, I do not come upon his Command ; but you have killed a very good Friend of mine, and a Country-man, and if Providence had not ordered it otherwise, you had killed a more particular Friend of mine, and a Master, that I had served many years ; said he, I don't think they would have done the Duke of Monmouth any Injury : after that he walked up and down a while, and then said he, 'tis a stain upon my Blood ; but one good Action in the Wars, or Lodging upon a Counterscarp will wash away all that. The Mayor was in the Room, and several others.

Sir

Pray Sir, one thing  
he say any thing to you ab  
Sir, he was only aski  
each thing? I was not for  
that the Captain had made  
Says he, I do not believe  
Did he say so?  
Yes, he did to the best  
We have done with  
My Lord Countess  
No.  
Then the next thing is,  
you must come to your defend  
which things it will concern yo  
Charge. That you were Access  
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it you, that you were cognizant of  
ned this: That you came here into E  
with you, that he lay at your Lodgi  
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Lodgings from time to time, u  
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your calling of Mr. Teyme  
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And that after all this  
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to go abroad, and you go a  
Servant to carry your Clo  
to the Water-side, and lye p  
several days together, you at  
your Clothes, and putting  
were a Merchant or a Jew  
the time and went 2 or 3  
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own, and this not like your se  
a sculler to carry you, from  
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were taken, you were inquisitive  
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that killed Mr. Thyme, had no c  
the Captain would not confes  
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mitted; whether they used  
the Horse-back upon a Sunday?  
some account of.  
My Lord says, he desire  
Let him do so. And first let  
M



Sir *Fran. Winn.* Pray Sir, one thing more, when you did speak to him of Confession, did he say any thing to you about Captain *Uratz*?

Mr. *Gibbons.* Sir, he was only asking of me how things were, what the people said or some such thing? I was not forward to tell him at first, but afterwards I did tell him, that the Captain had made a Confession, though it was a thing I did not know then. Says he, I do not believe the Captain would confess any thing.

*L. C. Justice.* Did he say so?

Mr. *Gibbons.* Yes, he did to the best of my remembrance.

Sir *Fran. Winn.* We have done with our evidence, my Lord.

*L. C. Justice.* My Lord *Coningsmarke*, will you ask him any thing?

Count *Coningsmarke.* No.

*L. C. Justice.* Then the next thing is, you heard the Evidence that is given against you. Now you must come to your defence; I will put you in mind of some things, my Lord, which things it will concern you to give some Account of. It is here laid to your Charge, That you were Accessory to this Murder of Mr. *Thynne*; and that you were the person that directed and designed it. And these Evidences there are against you, that you were cognizant of this, and that you were the Person that designed this: That you came here into *England* about a fortnight or 3 weeks before the death of Mr. *Thynne*, that Captain *Uratz*, who was one of them that killed him, came with you, that he lay at your Lodging, that he was constantly with you, that you lay Incognito there and private, would not be known what your name was, that you shifted Lodgings from time to time, that *Borosky* the *Polander* came over by your Order, was brought to your Lodging, was provided for there, that he had Clothes, and he had a Sword provided by your Lordship for him, and that there was care taken that it should be an extraordinary good Sword, that you did discourse to Mr. *Hanson* about your calling of Mr. *Thynne* to account, and this much about the time, or a little before the time of his death, and what the Laws of *England* would be in case you should call Mr. *Thynne* to account, and particularly you desired to know what Monsieur *Lienberg's* Opinion might be concerning it, and especially what in relation to my Lady *Ogle*. And that after all this, Mr. *Borosky* was not only Clothed by you, but was sent by you to *Uratz*, (that the Doctor says) and after *Uratz*, him, that he lay in your Lodging that Night before this evil thing was done, and that after the thing was done, the same Night *Uratz* came to your Lodging and was with you, and had private Conference with you, that the next Morning you got up and went away, tho' you had taken Physick the Night before, and tho' you your self nor your Doctor thought you fit to go abroad, and you go away incognito, in a Perriwig, disguised, you direct your Servant to carry your Clothes one way, while you go another, then you go down to the Water-side, and lye private near the River, at a *Swedes* House at *Rotherith*, for several days together, you afterwards take great care to conceal your self by changing your Clothes, and putting your self into a garb not like your own, & giving out you were a Merchant or a Jeweller or some other Trade, that afterwards you trifled away the time and went 2 or 3 miles, and then struck in upon one side of the River, and afterwards on the other side of the River suspiciously up and down not to be known, and this not like your self in any manner, but in a pitiful poor disguise, and hire a sculler to carry you, from whom you concealed your self, and so all along you trifled away the time till you were taken at *Graves-end*; that afterwards when you were taken, you were inquisitive about the Captain, whether he did confess; that you should likewise say some such suspicious words as these, That you believed those that killed Mr. *Thynne*, had no design against the Duke of *Monmouth*, that you believed the Captain would not confess, that you seemed to be concerned when you were told the *Polander* had Confessed, that afterwards you should say, my Lord, this is a stain to my blood; but one good Action in the Wars, or a Lodging upon a Counterscarp, will take away all this or wash it clean. And then, which is also testified against you, that you should ask the Boy that very Morning of the day, the murder was committed; whether they used in *London* here to permit Men to ride up and down on Horse-back upon a *Sunday*? Now these things, my Lord, it will import you to give some account of.

Sir *N. Johnson.* My Lord says, he desires he may Answer all these things one after another.

*L. C. Justice.* Let him do so. And first let him answer what his reason was to come



into *England* in such a manner *Incognito* at this time, and I ye concealed when he had been in *England* before, and lived in a mighty good Equipage & Condition?

Mr. *Craven*. My Lord, he says, that hearing there was a Peace between *Sweedland*, and *England*, and *Holland* designed, and like to be confirmed suddenly against the *French*, he came with a design to serve *England*, and to raise a Regiment of Horse here for the service of the King of *England*.

Count *Conningsmarke*. If any such Peace should be, if any appearance of an Alliance between *England*, and *Holland*, and *Sweedland*, I had a design to propose if I could have a Regiment.

L. C. *Justice*. Why did he come unknown and in a disguise?

Sir N. *Johnson*. Secondly, He says, my Lord, the reason of his coming *Incognito* was; because he had a distemper upon his Arms and Breast, and having formerly tryed and imployed this Physitian, and having experience that he was an able man, he was resolved to Iye privately till he had cured himself, for he could not drink Wine nor keep Company having this distemper upon him, and he was afraid if he had kept Company it would have hindred his Cure, and he should not have been so soon cured as if he kept in the house, and he says, that his Equipage could not come till after, and he would not willingly appear till he had his Equipage as a man of his quality ought to do, and these were the reasons that made him keep private.

L. C. *Justice*. Pray ask him upon what occasion he did change his Lodgings so often.

Sir N. *Johnson*. He says, that his first Lodging was changed, because it was too cold for him, and he says, the next Lodging where he was, those that were there can tell, the room where he was smoaked so cruelly, that he was not able to endure it. And he says, he liked the house so well, that he sent to see if the Chimney could be mended; and it was not to be done, otherwise he had gone back to that house, and he has the man and his wife to bear Witness of it if you please.

L. C. *Justice*. Let him call them.

Count. Call *Joseph Parsons* and his wife (but they did not appear.)

L. C. *Justice*. Then ask my Lord this, To what purpose he did bring over this *Polander* here? he ought to consider of that and give an account why he brought him hither.

Interpreter. He says this *Pole* was taken into his Service when he went to *Tangier*, when he went several 1000 of Miles to do the King Service, and he had designed at that time to bring him into *England* to dress his Horses after the *German* way.

L. C. *Justice*. Had the *Polander* been a Groom formerly?

Interpreter. He says he thinks he had been Groom to his Uncle before.

L. C. *Justice*. But to what purpose did he bring him hither?

Interpreter. He says, there was a great discourse about *Strasburgh's* being besieged, he did design to buy some Horses, for every one did Arm themselves, and he says, he sent over 1000 Pistolls to be answered by the Merchants here, to buy Horses.

L. C. *Justice*. Hath he any body to prove it?

Count. There is Mr. *Risby*, Mr. *Hanson*, and my Brother,

Young Count. My Lord, I had a Bill of Exchange.

L. C. *Justice*. For how much Money, my Lord!

Young Count. For 1000 Pistolls to buy Horses, and he has bought one Horse, and was to buy more.

L. C. *Justice*. Do you hear Gentlemen what he says? He came over to buy Horses, and he returned 1000 Pistolls for that purpose, and his Brother does attest there was such a Sum returned by Bills of Exchange, for the Buying of Horses.

Interpreter. My Lord, he says, he does fear that the Jury that do not understand *English*, do not understand his Reasons for being in a disguise.

L. C. *Justice*. Can't he give an account of it himself?

Mr. *Williams*. No, my Lord, his Evidence must be Interpreted to them by the Interpreter.

L. C. *Justice*. The Doctor's Evidence hath been heard already about the same matter.

Sir N. *Johnson*. He desires my Lord to know this; whether he may not say the same things over again to the Jury in *French*, there are a great many Persons of quality that understand it, and they will see whether he speak true.

L. C.

Let him if he please. But then, my Lord, I do not hear nothing without Proof. Then the Count says, My Lord, I do not hear, heard you or not. We understand not French. Then the Count says, He says, if it had not been sooner in London, for I had been to Hamburg in 7 days, but in a great while, that he writ 4 Months before long ere now if it had not been so. Then my Lord, I would ask you to Answer. Upon what occasion? My Lord, he says in the Discourse, or remember the death to Mr. Hanson? He says, my Lord, the best of his remembrance was, then I ask you this, Lady Oyle before you last. He says, he never heard of it. How long is that ago? Half a year ago. Then it was before his time. My Lord, his discourse, but before. Then pray ask him the Whether Horses might ride. He says, my Lord, this is a Boy, Whether people again has rid upon Sundays. Has he any body to prove it? Here is Major Ogilby, he had seen him riding diverse times. Then that Question is answered. My Lord, he desires the and by chance from the Boy and Reputation. Do so, Sir Nathaniel, says. My Lord, I having heard, I was desirous knowing to it, to do my Lord all taken, and in Newgate, I told me, there was a little he said. So I spake to the would me for his Wages. Said I, there you serv'd him? said he, what do you know of this business I know, that Franz was in the Night went out with a pair of know. Said I, Boy who do you



*L. C. Justice.* Let him if he pleases.

*Sir Fran. Winn.* But then, my Lord, I hope that your Lordship will tell the Jury it goes for nothing without Proof.

Then the *Count* spake to the Jury in *French*.

*L. C. Justice.* My Lord, I do not know whether the Gentlemen that are of your right hand, heard you or not.

*Jury-man.* We understand not *French*.

Then the *Count* spake it in *Dutch*.

*Interpreter.* He says, if it had not been for the great stormy Weather, the *Polander* had been sooner in *London*, for he sent for him before. He says, the Letters go from *Strasburgh* to *Hamburg* in 7 days, and that most commonly Ships do come from thence in 8 days, but in a great deal less time then the *Polander* came over in. And he says, that he writ 4 Months before to fetch the *Polander* over, and he might have been long ere now if it had not been for the Weather.

*L. C. Justice.* Then my Lord, I would ask you some more Questions, which it concerns you to Answer. Upon what occasion did you make your discourse of Mr. *Thynne's* death to Mr. *Hanson*? Had you any discourse with him? and upon what occasion?

*Sir N. Johnson.* My Lord, he says in common Discourses, 'tis impossible to give an Accompt of the Discourse, or remember the occasion of it so long ago.

*L. C. Justice.* Ask him if he had any quarrel with Mr. *Thynne*? Or knew Mr. *Thynne*.

*Sir N. Johnson.* He says, my Lord, that he never had any quarrel with Mr. *Thynne*, nor to the best of his remembrance with these eyes never saw Mr. *Thynne*.

*L. C. Justice.* Then I ask you this, my Lord, Did you ever hear Mr. *Thynne* had married my Lady *Ogle* before you last came into *England*?

*Interpreter.* He says, he never heard of it till he was going to *Strasburgh*, and then all the whole Town did talk of it.

*L. C. Justice.* How long is that ago?

*Interpreter.* Half a year ago.

*L. C. Justice.* Then it was before his last coming into *England*.

*Sir Fr. Winn.* My Lord, his discourse with Mr. *Hanson*, was not when he was last in Town, but before.

*L. C. Justice.* Then pray ask him this, What occasion he had to ask the Boy upon *Sunday*, Whether *Horses* might ride about the Town of a *Sunday*?

*Interpreter.* He says, my Lord, this is a very strange thing, That he should go and ask a Scullion-Boy, Whether people might ride on *Sundays*, when he himself over and over again has rid upon *Sundays* to *Hide-Park*, as many Persons of quality do.

*L. C. Justice.* Has he any body to prove it?

*Sir N. Johnson.* Here is Major *Ogelthorpe* (who with divers other Gentlemen testified they had seen him riding diverse times, on *Sundays* in *Hide-Parke*.)

*L. C. Justice.* Then that Question signifies nothing, there could be nothing in that Question.

*Sir N. Johnson.* My Lord, he desires that I may be examined concerning this Boy, of what I heard by chance from the Boy himself, and I will give you an account of it upon my Faith and Reputation.

*L. C. Justice.* Do so, Sir *Nathaniel*, say what you can say.

*Sir N. Johnson.* My Lord, I having had the honour to serve a while under my Lord's Father, I was desirous knowing the honour of the Family, and bearing a great respect to it, to do my Lord all the reasonable Service I could. So hearing my Lord was taken, and in *Newgate*, I went to wait upon him, and coming there Mr. *Richardson* told me, there was a little Boy waited at the Count's door for his Wages, as he said. So I spake to the Boy, and asked him what does thou stay for? he told me for his Wages. Said I, certainly my Lord will pay you his Wages; how long have you serv'd him? said he, a little while, and then said I, if you lived with him, what do you know of this business? And then of himself he began and told me, Only this I know, that *Vratz* was in my Master's Chamber that night, and the *Polander* that Night went out with a pair of Boots under his Arm, and more then this I do not know. Said I, Boy who do you serve? Says he, I have no Master at present,



sent, but then of his own accord he told me, Sir *Thomas Thynne* had promised him a place, and in the mean time, I am says he, to go to serve my Lord *Privy-Seal*; so my Lord gave him Twenty Shillings for his Wages.

*Interpreter.* My Lord desires the Boy may be asked, whether he did not go to fetch  
Phylick.

*L. C. Justice.* Ask him, where is the Boy?

*Watts.* No, I do not remember it.

*L. C. Justice.* Now, you should put the *Count* in mind.

Sir *Fran. Wimm.* We observe what a sort of Interpreter Sir *Nath. Johnson* is : He speaks more like an Advocate than an Interpreter, he mingles Interpreter and Witness and Advocate together, I don't know what to make of him.

*L. C. Justice.* The *Count* had taken Physick that day.

Sir *Thomas Thynne*. My Lord, I desire to be heard, I never spake to the Boy in all my Life.

Mr. *Thynne*. Nor I. But he gave the same Testimony he gives now, before the King and Council.

*L. C. Justice.* Look you, Sir *Thomas*, it does not concern you at all to speak to that, there is no reflection made upon you in it. But, my Lord *Conningsmarke*, it will concern you a little, to shew upon what occasion Captain *Uratz* came to you that Night, that Mr. *Thynne* was killed.

*Interpreter.* He says, my Lord, he can't tell why he came there, it's a proper Question to ask Captain Uratz himself.

*L. C. Justice.* That can't be.

*Interpreter.* He says, my Lord, he kept his Chamber at that time, he had taken cold upon his taking Physick, and the Captain came to give him a visit, and he never reflected upon any one he came for, he was lying upon his Bed.

*L. C. Baron.* Pray ask my Lord this, Why this man that was sent over to attend Horfes, should come upon the *Friday*, and a Campaign Coat be bought him on the *Saturday*, and he furnished with a Sword on the *Sunday*?

*Interpreter.* My Lord, the Noise is great, but I suppose your Lordship desires to know what was the reason, why he bought a Sword for him and a Coat.

*L. C. Baron.* Ay, and how he came by the Buff-Coat.

*Interpreter.* He says, he had that before.

*L. C. Baron.* But why must he have such a strong Basket-hilted Sword furnished him in a days time?

*Interpreter.* He says, my Lord, As to the Clothes, when he saw him with all his Clothes torn, he must of necessity get him a Coat, or else he was a shame to him; and his Service. And as for the Sword, it was no more (he says) then what Servants of his bulke and making used to wear.

Sr. N. Johnson. And he says, all the Servants of Gentlemen in *Germany*, wear such broad Swords.

*L. C. Justice.* You know it your self, Sr. *Nathanael Johnson*, you have traveled there.

S. N. Johnson. Yes, my Lord, they do, and the *Poles*, much broader and greater Swords then the others. Here is one in Court, that hath a great broad Sword now by his Side.

*L. C. Justice.* Now, my Lord, it will import you to give some accompt, how, you having brought over this *Polander* (as you say ) to choofe Horses, and help you in the management of them, to take care of them, in the nature of a Groom, how you came to part with him, to Captain *Vratz* assoon as he came over.

*Interpreter.* My Lord, he says, Being that he was sick himself, and there was no hopes of the Alliance between *England* and *Holland*, he had no such occasion for him, as when he wrote for him, and therefore saw no reason to keep him.

*L. C. Justice.* How long was it, before that he wrote for him?

*Count.* My Lord, after the Siege of *Strasburgh*, when every body thought there would have been a War, but it was not so; therefore I had not need of him, but he had been 7 Weeks at Sea, and my Lord, 'tis a common thing in *Germany*.

*Interpreter.* He says, 'tis a common thing in their Country, to give Servants away, if there be no occasion for them.

Count.



Count. My Lord, tis a common thing in *Germany*, it may be, it may not be so much used in *England* to give a Servant away.

L. C. Baron. What! the next day that he comes over?

L. C. J. What say you Sir Nathaniel Johnson?

Sir N. Johnson. Yes, my Lord, 'tis very frequent in *Germany* to give a Servant away if there be no use of him, for these Polanders are like slaves.

Interpreter. And, my Lord, he says, that Mr. *Russel* does know, that the Merchant that sent him over hither is a man of good Repute, and if this man had had an ill Reputation in *Germany*, he would not have sent him.

Witness. My Lord, I know very well he is a man of very great Credit in *Hamburg*, and of great Estate.

L. C. J. Did he send over this Poland?r?

Witness. Yes, my Lord, so I understand.

L. C. J. Can you speak of his Credit Sir Nathaniel Johnson?

Witness. Of the Merchant's Credit I can my Lord, I know him to be a man of considerable Estate and Credit. He is a man of such a Reputation, that he would not send a man of an ill Reputation.

L. C. Baron. Oh Sir, *Nemo repente fit turpissimus*. He could not be so ill a man at the first dash, he must be a man probable for such a service.

Sir Fr. Winn. You may observe my Lord, how Sir Nathaniel Johnson who is Interpreter in the Case is a Witness, and argues for the Prisoner too.

Mr. Williams. Pray Sir Nathaniel, is a Rancounter the killing a Man after this manner?

Sir N. Johnson. A Rancounter is another sort of thing Sir, you don't speak as if you were a Souldier.

Mr. Williams. My being a Souldier or not is nothing to the business, but the Captain, said he, intended to have made a Rancounter of it.

Sir Francis Winn. But my Lord, we desire to take notice of Sir Nathaniel's forwardness; for it may be a President in other Cases.

L. C. J. What do you talk of a President? When did you see a President of alike Tryal of Strangers, that could speak not a word of English; but you would feign have the Court thought hard of, for doing things that are extraordinary in this Case.

Mr. Craven. My Lord, he desires he may inform the Jury, what he sent for this Poland?r for.

L. C. J. Let him.

Then the Count spake it in French and Dutch.

L. C. J. My Lord, another thing is this, How came your Lordship presently to go away in such a private secret manner, and to direct your Cloaths to be sent as it were to *Windſor*? And your self to go away, and to make such a private withdrawing of your self down the River in this manner?

Mr. Craven. My Lord, he says, that one *Markham* that is here, came and told him that upon the killing of this Man by the Poland?r and the Captain who were taken in such a fact, there was a discourse of it that it might turn to his prejudice, and that the Common people do commonly fall upon Strangers, that his Taylor told him, that he had heard the Common people name him as concerned in it, and that he believed, if the Common people did catch him, they would tear him to pieces, and so his friends did Counsel him that he would withdraw himself.

L. C. J. Is the Taylor here? call him.

Interpreter. Call *Markham* the Taylor (who stood up.)

Sir N. Johnson. My Lord, he says that he was afraid the people might tear him to pieces, before he could come to justify himself.

L. C. J. Look you friend, did you come to Count *Coningſmark*'s Lodgings after Mr. *Tbynne* was killed on the Monday morning,

*Markham*. Yes.

L. C. J. What did you tell him?

*Markham*. I told him nothing, but I was sent there by Mr. *Hanson*, says he, tell the Count that the Duke of *Monmouth* and several Noble-men have been here, Now I had not seen the Count at that time before, but he told me where he Lodged, when I came there I told the Count of it, but he told me he knew nothing of it, but sayd he, I am sorry if any such thing be done.

L. C. J. But what did you say his friends advised him to about it?

*Markham*. I did say nothing of it.



*Then the Count spake to him in Dutch.*

Markham. That was afterwards.

L. C. J. What was that afterwards?

Markham. I was told, the people said, if he were taken, he would be knocked on the head.

L. C. J. What time afterwards was it?

Markham. After he went away.

L. C. J. Who told you so then?

Markham. Mr. Hanson told me so then, I would not tell a lye for all the World.

Count. He can tell also when I went away-----*the rest he spake in Dutch.*

Interpreter. He says this man can witness, that he asked his man, what money he had left, and he told him that he had not above 10. or 11 l. so he put his hand in his bag and took out some and put it into his pocket.

Count. So ill was I provided for an escape.

L. C. J. Ask him that Question, do you know any thing of what money he took with him?

Markham. No, I saw him take an handful of Silver, but what it was I can't tell.

Mr. Thynne. He had 7 or 8 l. about him when he was taken.

Interpreter. He desires leave to tell it to the Jury, (which he did.)

L. C. J. Now my Lord this will require some Answer, how came you to tell those Gentlemen that took you, that you believed Mr. Uratz and the rest would have done the Duke of Monmouth no harme?

Interpreter. He says, the people told when he was taken, that the Duke of Monmouth was in the Coach, and that they did follow the Coach a great way and would not do the Action till the Duke of Monmouth was out of the Coach.

Count. They did tell me, the Crowd that were about me, that those that were taken say'd they would not do it till the Duke was out.

Interpreter. And he says, that gave him sufficient reason to say to Mr. Gibbons that he did believe, they had no design upon his Grace the Duke of Monmouth.

L. C. J. He heard it so commonly it seems. Now my Lord, there is one thing more that you should explain your self, in what you meant by this, when you said it would be a stain upon your blood, yet one Noble Act in War or the Lodging upon a Counter-scarp would wash it off.

Interpreter. He says my Lord, that tho he knew himself Not Guilty of any thing, yet his being taken upon suspicion, and clapped up in Prison, would be a great disgrace to him, and would be worse resented in his own Country than the thing it self was. It being not the Custom in his Country to take Persons of his Quality Prisoners in that manner.

L. C. J. Now my Lord, Is there any person that you would have called to ask any Questions of? If you have, they shall be called.

Count. No my Lord, but if you please to give me leave to tell something that may be necessary.

*Then he spake in Dutch.*

Sir N. Johnson. My Lord, he says, if you will give him leave, though it does not come very well from himself, yet he desires to say something for his own Reputation.

Mr. Williams. He should be armed with Witnesses to make his defence.

L. C. J. 'Tis fit for men that stand here to say any thing that is reasonable for themselves. My Lord, If you can speak anything that you apprehend the Jury can understand, speak to them what you please, so as they understand it, but do not be too long.

Mr. Craven. My Lord, If your Lordship please, he says he will speak it first in French, and then in German.

L. C. J. Ay, but then the English man of the Jury will not understand a word of it; he had better speak in English to the Jury.

L. C. J. North. My Lord, It is an Indifferent thing, it may be Interpreted no being matter of Fact.

Sr. N. Johnson. My Lord, he says it is a great happiness in all his trouble, that he was in a Country, where he was to appear before a Protestant Judicature, himself being a Protestant, and his fore-Fathers also. He says that his fore-Fathers under Gustavus Adolphus were souldiers; and did there with their Swords in their hands, and the loss of their blood endeavour to settle the Protestant Religion in Germany, and protect it there; he says, that it has been the honour of himself, and his Family, that they have always been ready to venture their blood, and their Lives for the advantage of the Protestant Religion, as the Examples of his Grand-father, and Father do shew, and there never was any thing done by his family, but what was done for the Honour of his Country.

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Country, and his Religion; and he says, that if any of his former Actions can give any the least suspicion of his being Guilty of this or any foul Fact, he is very willing to lay down his Life, and very willing to have it cut off immediately.

Count. Immediately.

Sr. N. Johnson. He says, that he is very ready upon all occasions to serve the King of England, and that he loves the English Nation so well, as always to be ready to do any thing to serve them.

Count. without any interest in the World, against the will of all my Relation, and I have brought my Brother into England to be brought up into the Protestant Religion to shew my Inclinations to the Religion, and the English Nation.

Ld. Ch. Just. Have you done?

Sr. Fra. Winn. Yes, my Lord, We have done with our Evidence, and we have no matter of fact to reply unto; but we think it is our duty, considering the defence my Lord has made, that we should take some care to put the Kings Evidence a little together, it being a case of such nature, and so cruel and horrid a Murder.

My Lord, and your Gentlemen of the Jury, I am of Counsel here for the King, and you are Gentlemen upon an inquiry to find out the Offenders in a very great, a barbarous, and a wilful Murder. And, my Lord, in relation to the Principals, I need not spend your Lordship, and the Jurys time about them; for all those three Men, that are indicted as Principals, do my Lord confess the fact, tho they do it in a different manner, and tho in forme of Law they are pleaded not Guilty, yet when they come to be asked the Question, there Guilt flies in their faces, and they cannot deny it. So then for those three Men there is no need to spend time in repeating the Evidence.

But, my Lord, that that seems to require the consideration of the Jury is, whether this wicked, and horrid Murder be only circumscribed in the world will believe three Men that have confessed it, or whether any rational man in the world, or a deeper, upon the account they give themselves, that they only had a design, a deeper, light to kill this Innocent Gentleman. No, my Lord, the thing must lie a deeper, I and there must be some other reason, why this barbarous Murder was committed, that would crave your pardon for what I say. My Lord, I would not speak any thing, should mislead a Jury in matters of blood, and I think it was rightly sayd by your Lordship, that when a Man is tryed for his Life, We ought all to behave ourselves seriously as in a matter of weight and moment. And so it is I think a very serious thing, and a matter of concernment to us all to inquire who hath shed Innocent blood; for such was this poor Gentlemans blood, that was killed, Innocent blood.

My Lord, this Count is a very unhappy Person to have such a Relation as has been proved to be of the Principals; I will do, my Lord, no wrong in the repetition, if I do, and am mistaken I crave your direction, I am sure (you will correct me in it.) Two of the Persons that are Principals that was Captain Uratz and the Polander happen'd to be Persons Relating to my Lords family as his servants. For it is agreed by the Witnesses that were that Counts friends, that I came over into England with the Count, the last time he came over in that private manner, and 'tis likewise proved, and not denyed by him, that Captain Uratz was frequently with him, not only to the very day when, this bloody Fact was done, but after that great crime was committed, I say, my Lord, 'tis a very unfortunate thing for this Lord, that those men should have so near a Relation to him, who have had their hands in it, and can give no account why they did it.

My Lord, I do know (and your Lordship has justly directed us) that no Evidence from one Prisoner, or the Confession of one can charge the others in point of Evidence; but I cannot but take notice that Captain Uratz could give no reason in the World for it, but as it were for some Affront to the Count and himself. But, my Lord, the Evidence that lyes heavy upon this Lord at the Bar is made up of these Particulars.

First, that here is a Murder committed is plain, then that this Lord did fly is also plain, and when he did fly? Gentlemen, he kept himself in disguise before that Fact was committed, and whether or no the Reasons be sufficient that he has given to your Lordship, and the Jury must be left to consideration. He says that he had not his Equipage, that he was not very well, and that he could not drink Wine: Those I take to be the Reasons given, why my Lord Coningsmark did conceal himself, till the time after the Fact was committed.

L. Ch. Just. He was taking of Physick, and he thought it might be prejudicial to him to drink Wine, or keep company.

Sr. Fr. Winn. But, my Lord, These Kind of shifts we think, are not able to balance



Since the Evidence, for that which is truly the Evidence is this Mr *Hanson*, who is very much conversant in that family, and who did give his Evidence very unwillingly; yet, he did really confess that which will go very far in this Case; For after he was pressed several times (your Lordship and the Court, and the Council pressed him) to tell what was the Reason of that discourse he had with the *Swedish* Resident, and he was asked, had you any Command from my Lord *Coningsmark*? he answered no; but says he, I thought it would please him, if I could have the Opinion of the Agent or Resident to know what the Laws of *England* were, if so be he called Mr. *Thynne* to account, and what the consequence would be in reference to his design upon my Lady *Ogle*, and upon this he does go, and ask the Question of the Resident.

Now, what does he mean by this calling to account? We must take things according to the reason of them. Certainly it was some offence that he had taken to Mr. *Thynne*, and that is plain in regard when he was asked what the prejudice did refer to Mr. *Hanson*, was pleased to name that great Lady, my Lady *Ogle*, and say'd she was mentioned, and he did desire to know what the Influence of the Laws of *England* would be in that matter, if he should call him to account.

My Lord, I think with submission it carries this in it, as if he had a purpose in his mind to call Mr. *Thynne* to account by quarrelling with him and hazarding him in his Life, I do not undertake, nor would not of myself to expound it, but this I will say, it must signify something, and must have some consideration, and without all doubt a Person of this Lords quality would not use such an Expression, but for some end and purpose.

My Lord, after Mr. *Hanson* had given his long Evidence, which came so difficultly from him, we traced it down by several Witnesses, *Wright*, *Harder*, and others, that this *Polander* came over as it happened on the *Friday*, (which is a thing that comes mighty close,) upon the *Saturday* he is provided with a Coat and a Sword; On the *Sunday* he committed this inhumane bloody Fact. Now it is a mighty unfortunate Circumstance upon this Lord, that this should be a man whom my Lord *Coningsmark* should be so very much concerned for, that because he was not come, he should be afraid he had miscarried in the weather, to that his answer was this, that he was sent for over by him to look after his Horses, and he had come a great deal sooner, if it had not been for the stormy weather. But, your Lordship observes, that it was not above three or four Moneths before, and then by his own shewing the business of Mr. *Thynne*, and his Mariage with my Lady *Ogle* was talked of far, and near; and so my Lord, it makes the suspicion of the malice the greater, that he who has done this bloody Murder, and has been so much under the command of this Lords family, that he should come but two days before, and the Count provide him with a Sword that very day, and then that Letter from Captain *Uratz* to Dr. *Harder*, which he carryed to the Count, and the Count read, but of which he can tell you none of the Contents; that speak something in regard when the Doctor went away, this *Polander* was sent to the Captain by the Doctor; but this is certain, however, there was a Sword that was brought by the Cutler, that Sword was carried up to the Count's Chamber, that Sword was delivered afterwards to the *Polander*; for he had it on the *Sunday* Morning when he went away with the Boots under his Arm, and the Campagne-Coat upon his Back, with a Buff-Coat under it; and he went out, and never returned till the Fact was committed.

I say my Lord, it carries a vehement suspicion, that he was privy to this Murder, because this was a Servant at his Devotion, and your Lordship and the Jury see what kind of a Creature he is, likely to do any thing, being at the Command of so great a Person.

But then my Lord, to come closer to the matter (for I will only repeat that which is most material) there is the Evidence of the Boy, who I must say, tells you a very sensible Story; he tells you upon what account he came to him, that he was there Ten Days before the Murder was committed; he Swears expressly, That the *Polander* lay there the Night before, was there that Morning, went away with the Sword, and Doctor *Harder* with him; that this Murder was committed about Eight a Clock at Night, that Captain *Uratz* came bustling into the Count's Lodgings, where he lay concealed, and the Boy by agreement, being to go home every Night, stay'd half an hour till past Nine, and left the Captain there at that time, and the Captain had been there in the Morning.

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My Lord, surely it is a strange thing, and much to be wondered at, that the Captain, who had the management of this Murder, had no where to go for a Refuge, but to his Patron my Lord Coningsmarke, reeking hot with Mr. Thynne's blood, when the blow was given within an hour after the Murder committed, (for so the Boy swears expressly, for the blow was given at 8 a clock) and afterwards he went to the Doctors to bed about 10 a clock at night, as the Doctor hath confessed; I take that for a mighty Evidence. And then my Lord, upon the Monday morning when the Boy comes in, the Count asks him, *What was the matter with the Bustle in the Street the last night?* Will any man in England believe, but that he had had earlier news of it? And for what reason should he ask the Question, if Mr. Hanson speaks true, who brought the news in from Whitehall?

But the great Question that we wonder should be asked the Boy, is, *What Mr. Thynne was?* which certainly was a very odd expression, if we consider what Mr. Hanson says, *That the Count had mentioned him in his discourse, and my Lady Ogle too.* One of the Count's Answers was, *It could not be imagined that he could speak to a Scullion Boy;* but you see the Boy swears it, and tells it so, as that it is very probable.

[We now come my Lord to give an account of his Flight.]

The Father of the Boy comes in the morning: And I would observe, though he pretended his business and his distemper brought him over, and that he was ill, and under Cure, yet this matter made the place too hot to hold him; stay here he durst not, immediately he forgot his Physicians prescriptions, and gave order to his man to send away his things. Then the Boy's Father was sent for, and the Portmantles are given him, and he is told my Lord was going to Windsor; but when he came to Charing-cross, the things are put into a Coach in the Strand, and from thence they went for Rotherhithe.

Then came the man at whose house he lay, and he was a Swede, and by the way I would observe the Witnesses are most of them my Lord's own Friends, unwilling to tell the truth till we get it, and that very hardly from them: This man was very unwilling to tell his knowledge, but he got him the Cloaths, which Cloaths, by the bulk of the man, one would think would hardly fit the Count; but the more he was disguised the more was his security; and when he was asked this Question, *Why he desired to have those Cloaths to secure him?* He said at last, *It was to prevent Trouble.*

Now let us consider, my Lord, whether the Count has given any answer to that. My Lord, there is nothing in what he said under pardon. He says, *He went away, because he was afraid the People would tear him in pieces, before he could justify himself.* If he were innocent, he knew where to go to be secure from any hurt from the People; he might have applied himself to your Lordship, or to any other Magistrate. He is so ingenious he could not but know he might have protected himself under the Government, which protects and secures any man whatsoever if he be innocent.

I have these two things more to mention, and then I shall leave it to your Lordship and the Jury; and one is the Evidence of Mr. Gibbons, and Mr. Kid.

Mr. Kid gives that, which to me is a very material Evidence of what passed when they seized him: As they were coming up the River, the Count asks him, *Whether there were any good Lodgings in Newgate?* and particularly expressed his care of the Captain, to ask whether he were well lodged. And when he was told that the Polander had confessed, he says he seemed on the sudden to be very much concerned, bit his Cloaths, and threw himself along with some agony. My Lord, an innocent man needed not to use any such actions.

Then comes Mr. Gibbons, who was very instrumental in the pursuing of him, and is known to be an honest man, he gives this Evidence, *That when there was a discourse about Mr. Thynne, and his old Master the Duke of Monmouth, the Count presently replied, They meant to have done the Duke of Monmouth no harm;* and walking about the room, on a sudden, burst out into this expression, *This is a stain upon my Blood; but one good Action in the Wars, or lodging upon a Counterfeiter, will wash it all away.*

Now, my Lord, as to what he answers to this, I say any man may make that evasion which he would excuse it by, to say that the accusation is a scandal or a stain, may be worse than the guilt of the action: But your Lordship and the Jury see plainly, If so be the thoughts of a man's own heart be that he is guilty, it will break out some way or other. These things I only repeat, I leave them to the consideration of the Jury.

But when I have said this, there is one thing more, and that is above all relating to the Captain: Says Mr. Gibbons, *I did not know that the Captain had confessed, but I did venture to say he had;* but the Count replied, *He did not believe the Captain had confessed.* My Lord, you see how the Captain appears before you, and if the Count will take upon



him to say, he does not believe the Capt. would confess; it doth strongly argue he knew as much of the Capt.'s mind, as he himself. Then look upon the resolute behaviour of the Capt. the familiarity he lived in with the Count, that he had always been a dependent upon his Family, it thews some reason for his assurance of secrecy from the Capt. that he would not confess the Author of this most notorious Murder, and it lies heavy upon him. My Lord, I look upon the discovery of this as a very miraculous thing; And pray consider, Gentlemen, where shall a man go to settle his thoughts for the Original business? Do you (or can you) think it was begun, invented and contrived by yonder three men? To what end or purpose; or for what advantage to them? You have heard the Evidence that I have repeated to you; You have heard what this Lord has said for himself; how he has fled, and what has been done. My Lord, I will not use any thing of argument to persuade the Jury; but I cannot chuse but say, we know no where to go for the Author of this Villanous Fact, nor whom to accuse as the prime Contriver, but this Count before you. I pray the God of Heaven to direct you in your enquiry; and if I have said any thing amiss, I beg your Pardon for it.

[Then a great shout was made, which the Court rebuked the People for.]

Mr. Williams. My Lord, I did not think to have said any thing more in this case; but I must crave your Lordship and the Juries patience for a few words. As for the three persons at the Bar, (the Pole, the Capt. and the Lieutenant) it is (Gentlemen) very notorious they are guilty of this most Hellish Murder. But all the labour and difficulty of this matter is, how far this Count is Guilty, or not Guilty.

Pray Gentlemen do but observe the nature of this Crime, and the manner of our Evidence that has been given you. The Crime he is accused of, is, for being Accessary to a Wilful Murder; Accessary before the Fact; Contriving of it, and laying the Train, which these persons were made use of to fire. This being so, it is almost impossible to give you that clear light and pregnant proof against an Accessary, as against the Principals. The Principal is he that doth the Fact; that is notorious and open. The Accessary is the person that prepares the Scheme, contrives the management, first sets the Wheel on work, gives the necessary Instructions, who lies behind the Curtain. Now, considering that, and the nature of the thing, it is impossible to give a clearer Evidence than what you have had.

Pray Gentlemen do but first consider who hath been the Privadoes and the Intimates of this Count, with whom he has had Conference since he came into England, Hanson and Dr. Frederick, who are brought as Witnesses (though unwilling ones) against him; the Boy that was imployed by him. He is in no other hands; I cannot hear he was among any other persons but these, and Capt. Vratz, and the Polander. These are his Company, and those alone with whom he had conversation. Now, Gentlemen, that we should be able to produce these very men (that were his only Companions) against him as Witnesses, is a mighty thing, considering the privacy he lay in.

As for Vratz, his most intimate privado, he came over with him into England, liv'd with him in his first Lodging, and was continually with him during his stay. So then, what can we expect about this man, (Gentlemen) when he had laid his Design with all the privacy he could, would have as little Conversation with English-men as he could. It was very craftily laid, that he would converse with none but those that were privy to his design, or had an hand in it in a great measure. Then pray consider how it was carried on, Gentlemen; Vratz, who was the great Commander, and the Polander, who was the immediate Actor in it, had been his own Servants. Vratz, I say, he had a great confidence in; he came over with him; and will not any man believe that this man, who eat of his Bread, who lay in his Family, was a likely man to do this for his sake that thus cherish'd him? For whole sake pray can it be thought to be? Not for his own sake; for the Capt. tells you he never had any communication or conversation with this unhappy Gent. Mr. Thynne. So that if it were as they would have it, that they did it out of respect to this Count, who was the Capt.'s Friend, it will turn upon the same point, and confirm the suspicion. Why should the Polander do it, if he had no reason to do it upon his own account? for he never saw the Face of Mr. Thynne, but was brought hood-wink'd in a manner to the Fact.

Therefore whether it were not done for his sake, is that which you are to consider; and as a proof that for the Count it was done, I shall pitch upon one Circumstance that will bring it home to his door, and that is, the Evidence of Hanson his Brother's Tutor: And by the way I cannot but repeat it, that this Thread goes through all the Cloth, we have no Witnesses but those of his own familiar acquaintance and dependance. Now Hanson has (though very shufflingly) told you, the Count and he had some discourse about my Lady Ogle; and though we cannot come to know all the Circumstances, yet he does ac-

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knowledge so much as that there was mention made of requiring satisfaction of Mr. Thynne, or some account of him, and what might be the consequences of the Laws of England, in reference to my Lady Ogle, in case he should call him to account. So far he is plain; though he will not tell what the discourse was; that there was a discourse of my Lady Ogle, of Mr. Thynne, of asking satisfaction of Mr. Thynne, or calling him to account, and what the consequences in Law might be. And pray, Gentlemen, observe, being to take advice about this matter, they would not consult an English Lawyer; though I see one behind him now, but a Foreigner, the *Swedish* Agent; not ask the opinion of one man of this Kingdom. And then he gives you a mighty reason for it, That the *Swedish* Resident knew very well how to advise him in this affair, because he had lived in *England* about 19 years: So that all his Acquaintance and Friends, the managers of the business, and those consulted with about it, all Outlandish men; I cannot say they are all Guilty, but I will say this makes our Proof more difficult.

Gentlemen, This being taken notice of as a mighty Circumstance, I would bring it a little more home to this Gentleman, whom we accuse as Accessary before the Fact. Pray consider how all along he lay skulking, and hiding himself in disguise, and shifting his Lodging from place to place. I need not repeat it, but I would desire you to think of what was concurrent with that very day, and, as it were, concomitant with the very Murder, and that will appear to be sufficient to satisfy any rational man. We are not picking up an Evidence upon flying words, or unconcluding circumstances, but we offer Facts to you, and Facts are to guide you, you being to compare Facts with Facts. As to his lurking and hiding, this Gentleman gives you no manner of rational account, that he had any business with any man in *England* that should occasion his lying private; but only he tells you, he labor'd under a Distemper that he would not have discover'd; and yet take him in that very Distemper, and in the process of his Cure, as soon as this Fact is over, the next morning he values neither his Disease, nor his Physick, but goes by water, and made an attempt to flee abroad. Will any understanding man believe that he came privately into *England*, that he lay skulking here, that he made use of another Name, and other Cloaths, that he should do all these things, and run away so immediately after the Fact was done, and all onely because of a little Distemper of Spots on his Breast.

But then, says he, it was reported in the world; and told him the next morning, that the People, the Rabble, would tear him in pieces. He was asked where he had this Report, and he brought up a Tailer, and depended mightily upon it, but the Tailer denied it; and, Gentlemen, he that fails in one thing he says, is not to be credited in another without good proof. He says that he said no such thing, so that Gentlemen this fictitious argument of his fear falls to the ground.

Then observe what follows upon this Villainous Fact; he flies away privately, he goes to a *Swedish* house at *Rotherbith*, from thence by a *Swede* he must be put into a Skulker, and that Skulker must be towing of him for several days together, till he come to *Gravesend*, from whence he was to have gone Over-Sea. Pray lay all this together, and weigh it well, and see if you can imagine any other reason for it all, than what we alledge.

I would observe it to you Gentlemen, and pray think of it, what the *Count* has said to you in his own defence in so many Languages without proof, must pass for nothing. The Court has had a great deal of patience to hear him, and shewn him a great deal of Favor in permitting it; but without proof, I say, it all passeth for nothing. And what proof he hath made of it, I must submit to you; for I will not spend your time in running into particulars: And where he has proved any thing, pray compare Facts with Facts, especially that concerning the Captain *Vratz*, which is not in my opinion to be answered; that he lived with him, that he should be with him on the Sunday morning, that in the evening he should come thither again after the Fact done; that he should be left in his Chamber, and continue in the House so long. Will any one believe, that when *Vratz* came over with the *Count* from abroad, lodged with him here, was every day with him in familiar conversation, should come that morning before, and in the evening immediately after, and stay with him so long, and yet the *Count* be innocent? Nay, will not any man rather absolutely conclude him an Accessary to the Murder.

Then, Gentlemen, take into your consideration his Flight, and endeavors to escape out of the hands of Justice; if there were no more, that is a great evidence of his Guilt; but you have much more, and as strong as you can desire or expect. He says he was afraid of the People; alas he needed not to fear that, he finds a very fair and generous treatment here, he knew the temper of our *English* Nation well enough, to know they do not presently flee in

men



mens Faces; and he could not but know, he might, without danger, resign himself up to the Law if he were innocent.

Gentlemen, We have given you a fair and a full Evidence, we have offer'd you sufficient proof in Fact, and have offer'd no Shams to you; and I do not doubt but you will do right to the Honour of England, and the Justice of the Nation, which are deeply concerned in this Case. [Then there was a great Noise made.]

Lord Chief-Justice. Look you Gentlemen, The Council for the King have been very large in the repeating of the Evidence, therefore you must not expect from me, that I should go over it again in the same method that they have done. I will direct you a little as to some Points in Law as to this Case. Here is as they tell you truly, a Murder as horrid and barbarous as peradventure can be committed upon any Subject. It is a Murder of a very bad nature, so that the repeating of it is enough to make all men abhor it; it needs no aggravation, it is in its own nature so very barbarous; and those Gentlemen that had a hand in it, must certainly needs be ashamed, and look upon themselves as not fit to be accounted men, whoever they be that had any hand in it, so barbarous and inhumane, and base in its own nature, and so unworthy of a man.

I must tell you, Gentlemen, when one man shoots another, and two are with him, though they do nothing but come on purpose to countenance that evil Fact, that is Murder in them All; All that were present are guilty, when ever such an Act is done: And three or four come together, and one does the Fact, and the others stand by to countenance it, whether they be there to bring the Party off, or to animate him, and put him into a condition that he may murder and kill, it is murder in All, and they are All as equally guilty, as he that shot, or actually gave the blow.

Now as to these three persons here, the Polander that shot, Vratz who was with him and stop'd the Coach, and Stern that was by with them, they do all acknowledge themselves to be there at this Murder; the least they say for themselves, is, that they came to countenance a fighting with Mr. Thynne, that is the least any of them say; for Captain Vratz makes this his excuse, that he intended to kill him (as he calls it) fairly, and the others were to stand by to let him make the best of it; so that they All came with a murderous intent, and a Murder followed. And I must declare this for Law to you, that this is Murder in them All, if you believe themselves; so that I think there is little, very little for you to consider concerning these three men, but according to what they have acknowledged of themselves both before the Council, and here likewise in your own presence, they seem All to be guilty of this Murder.

The more doubtful Question is concerning Count Coningsmarke, that stands here before you, for he was not at the Murder, nor is he charged as Principal; and the Question will be as to him, Whether he commanded, or gave any authority or direction to have this Murder committed; That is the thing that is now charged upon him, and without that he cannot be accessary in this Case.

Now, Gentlemen, you must consider as to that, several things are certain and positive; That this Polander was once his Servant; That he was brought over from Beyond Sea by his Order; That he was given by him to Captain Vratz; That Vratz was his great acquaintance, and lay in his Lodging some time, though not at this very time. These things are plain: Now what Answer is given to this? You hear, he says, the Polander was taken for him, and hired as a Servant Beyond Seas, knowing that he had skill in Horses; and the Count having remitted money to buy Horses, he was willing to have him manage the Horses, and to have his judgment in them, and sent for him three months before for that purpose, and that he came for that purpose; but knowing that the occasion for which he was to buy his Horses was past over, there being like to be no War, and therefore there would be no occasion for Horses, he was willing to part with the Polander, as he says, is usual for persons of Quality in his Countrey to do upon such occasions, to give their Servants to one another; and so having cloathed him, first he gave him to Captain Vratz: And you hear how much of this is made good by Witnesses, and how far this is satisfactory to you as an excuse and reason for this, I leave to you.

There is more too that is very plain: It is apparent that the Capt. bid him come to his Lodging after this Murder was committed. According to the calculation of the time, it must be after the Murder, for that was about eight a clock, and he was there about nine. You hear what answer the Count gives to that; That he came as formerly he had done, he knowing nothing of this, nor of Mr. Thynne's Murder, and that he did not speak to him concerning it.

The

The next thing, Gentlemen, came to England; and he, being of Privacy was, being known, having been formerly a page, he would not put himself in company, he should be intimate with the Doctor tells you, which was some Spots upon it is plain too, that (as you had heard of the Murder) and himself upon the Water. But withall he tells you, as he heard, what this might occur on a Stranger that was of fear of the People (lest he himself) that he withdrew himself it was told you by the Council no such disorderly proceeding he was afraid of it, and if he Constitution so well.

But I must tell you another thing, the Council for the King, Captain that had been given to the Count, without the Count's knowledge. It has been said by the knowledge of Count, the Law is not so. It does seem to resent, it with it, out of too much honour, will goe and pish the matter, he not knowing of the Law; Gentlemen, the Count's knowledge and not himself, out of respect to himself and all that make Count Coningsmarke, you might swallow it as

at it will return to this, W consent to this Murder, or command any of these at you, Gentlemen, there of the Count's. One is, whether men might ride in to that. The Count desired prove that such a Question, by divers persons, that it was in Hide-Park before this. It is also said, that when he was attended the Duke of Monmouth here deny; but he saies he had watched the Coach till the Villany; so that he apprehends this is the Answer he gives to those other words, the Blood, but he presently in the Wars or Lodging upon he says to that: He looked at some stain to his Blood



The next thing, Gentlemen, is, 'Tis plain the Count did lie private when he came to *England*; and he tells you, he brings the Doctour to witness it, his occasion of Privacy was, because he had a Sickness which he was loth should be known, having been formerly in splendour in *England*; but now, without his Equipage, he would not publickly appear; and he was afraid, if he appeared in Company, he should be inticed to drink high, and that would retard his Cure. And the Doctour tells you, he was under his hands for cure of his Disease, which was some Spots upon his Body.

It is plain too, that Count *Coningsmark* did go away the next morning after he had heard of the Murther, he acknowledgeth it himself; and that he did conceal himself upon the Water, and was taken in such manner as the Witnesses speak. But withall he tells you the occasion of this was, A stranger here, Captain *Vratz*, as he heard, was accused for the Murther, and seised, and he did not know what this might occasion to him; how the common People might fall upon a Stranger that was of that man's Acquaintance; and it was through his Fear of the People (lest they should fall upon him before he could vindicate himself) that he withdrew himself and concealed himself in this manner. As it was told you by the Council it was an unreasonable fear in him, for there is no such disorderly proceeding (we thank God) in *England*; But he tells you he was afraid of it; and if he were, being a Stranger, he might not know our Constitution so well.

But I must tell you another thing for Law, Gentlemen, which was urged by the Council for the King. Captain *Vratz* doth say, that he, knowing of an Affront that had been given to the Count, and having received an Affront himself, he did, without the Count's knowledge, doe this Murther, for Revenge, upon Mr. *Thynne*. It has been said by the Council, it will be all one whether it were with the knowledge of Count *Coningsmark* or not. Now, I must tell you, Gentlemen, the Law is not so. For if a Gentleman has an Affront given him which he does seem to resent, if any of his Servants officiously, without acquainting him with it, out of too much Zeal and too forward a Respect to their Master's Honour, will goe and pistol and kill him that they apprehend has affronted their Master, he not knowing of it, it will not charge their Master with any guilt at all. The Law, Gentlemen, is not so as was urged; for if it were without the Counts knowledge and direction, if a zealous Captain has gone and over-shot himself, out of respect to his Master's Honour, when really it was a Dis-honour to himself and all that were acquainted with it, this cannot lie upon him, to make Count *Coningsmark* guilty. But it lies upon me to direct you, for otherwise you might swallow it as a Maxim, to be all one in Law, which it is not.

So that it will return to this, Whether here be any Proof that Count *Coningsmark* did consent to this Murther, or any waies countenance the Killing of Master *Thynne*, or command any of these Persons to doe it.

Look you, Gentlemen, there are some suspicious Speeches that are mentioned here of the Count's. One is, that the Boy should say that the Count asked him whether men might ride in *London* on Sundaies? You hear what Answer is given to that. The Count denieth that he asked any such Question: and to shew and prove that such a Question could not likely be asked, he saies and proves, by divers persons, that it was an ordinary thing for himself to ride on Sundaies in *Hide-Park* before this Business long.

It is also said, that when he was taken, he should say, that he did believe they intended the Duke of *Monmouth* no hurt. Now that he said these words he doth not here deny; but he saies he spoke it upon the common Report that these men had watched the Coach till they saw his Grace out of it, and then they did doe this Villany; so that he apprehended they had no design to hurt the Duke at all. This is the Answer he gives; how satisfactory it is, I leave it to you.

Then as to those other words; That it would reflect upon his Family and stain his Bloud, but he presently recollected himself, and said, One brave Action in the Wars or Lodging upon a Counterscharp would wash it off. You hear what he says to that: He looked upon it as an Injury to his Family, and it would be some stain to his Bloud, that he should be accused of so base and



unworthy an Act; but that Accusation he thought might be washed off; and so, though he were innocent, it might be looked upon as a Stain, which a brave Behaviour in the Wars would wipe off.

Gentlemen, Thus, as near as I can, I have given you an Account of the most material things that are objected against him, and his Answers to them. I must leave it to you, whether, upon the Evidence which you have heard, you do believe that this Murther was directed or countenanced by Count Coningsmark. If it were, he then is guilty as Accessary before, and you must find it; but if you believe he did not know it till after the Murther was done, then he is innocent, and you must acquit him. And upon the whole, Gentlemen, I must leave it to you.

Then, it being late, After an Officer was sworn to keep the Jury, the Court adjourned for a while; and in half an hour return'd; and sent for the Jury, who came in and, answering to their Names, gave this Verdict.

*Cl. of Cr.* Gentlemen, Are you all agreed of your Verdict?

*Omnes.* Yes.

*Cl. of Cr.* Who shall say for you?

*Omnes.* Foreman.

*Cl. of Cr.* George Borosky, alias Borotri, hold up thy hand, (which he did.) Look upon the Prisoner; How say you? Is he guilty of the Felony and Murther whereof he stands indicted, or not guilty?

*Foreman.* Guilty.

*Cl. of Cr.* What Goods and Chattels, Lands and Tenements?

*Foreman.* None to our knowledge.

*Cl. of Cr.* Christopher Vratz, hold up thy hand—. Is he guilty, &c.

*Foreman.* Guilty.

*Cl. of Cr.* What Goods, &c.

*Foreman.* None to our knowledge.

*Cl. of Cr.* John Stern, hold up thy hand—. Is he guilty or, &c.

*Foreman.* Guilty.

*Cl. of Cr.* What Goods, &c.

*Foreman.* None to our knowledge.

*Cl. of Cr.* Charles John Conningsmark, hold up thy hand (which he did) How say you, is he guilty of the Felony whereof he stands indicted as accessary before, or not Guilty?

*Foreman.* Not Guilty.

*Count Con.* God bless the King and the Honourable Bench.

*Cl. of Cr.* Then hearken to your Verdict as the Court hath recorded it, you say that George Borosky, &c. and so you say all.

Then the Jury was dismissed, and the Court ordered to take a Recognizance from the Count, with three Sureties, to appear the next Sessions and to answer any Appeal if brought; after which the Judges went away, and the Recorder, with the Lord Mayor and Aldermen stay'd to pronounce Sentence on the convicted Malefactours.

*Cl. of Cr.* Keeper, set George Borosky to the Bar, hold up thy hand (which he did) Thou standest convicted of Murther for killing Thomas Thynne, Esq; what canst thou say for thy self why the Court should not give Judgment upon thee to die according to the Law.

*Interpreter.* He says, he prays God to have mercy upon him.

*Cl. of Cr.* Tye him up. Set Christopher Vratz to the Bar—

*Interpreter.* He says he hears he is condemned, but he was never rightly examined, nor fairly tried

*Cl. of Cr.* Set John Stern to the Bar—

*Interpreter.* He says he did it for the Captain's sake, he went as a Second along with him.

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Then, the Prisoners being made for Silence during

Mr. Recorder. You the

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Then, the Prisoners being tied all up by the Executioner, Proclamation was made for Silence during the pronouncing of the Sentence.

Mr. Recorder. You the Prisoners at the Bar, *George Borosky, Christopher Vratz* and *John Stern*, you have been all indicted for the Murther of a Gentleman of great Quality *Mr. Thynne*; a great, an heinous and a crying Crime, that cries aloud for vengeance: You have been brought to your Trial and tried indifferently by a Jury not consisting onely of the Country-men of the Party slain but compounded of Foreigners and Freeholders of the County too. These impartial Men have found you Guilty, and indeed the plainness of your Guilt is such that you your selves have acknowledged your selves Guilty. For when you were apprehended your Guilt did so stare in your Faces, and you could give so little an account how you had bestowed that time wherein he was murdered that you were forced to confess your interest in the Fact.

It is our Duty to pronounce the Sentence of the Law against you upon this conviction; but it is also our usage to open the nature of the Crime for which the convicted Person is to suffer Death, for the conviction of the Offenders themselves. Now your Crime is one of the deepest die, it is the wilfull shedding of innocent Blood, to which you could be led by nothing but what you are charged with in the Indictment, the motion and seduction of the Devil. This Crime of Murther is put into the highest and foremost rank. When God himself had given Laws to the World under the Old Administration, after the Command of honouring Father and Mother in the next place he forbids Murther. This Crime you have committed and that with the most aggravating circumstances that I have ever known attend any Crime of this Nature. It was committed upon a Gentleman of great Quality, that was so far from giving you any provocation to it, that you acknowledge your selves you never had any communication with him. It was done upon a Day when you ought to have exercised and busied your selves in acts of Piety and religious Worship. It was done in the Streets of the City near the King's Royal Palace. But the greatest circumstance of all is the doing it in such a manner, that is it was done by way-laying; a sort of killing the most unworthy, the most base and the most ungenerous of all other. For that it gives the party assaulted no liberty for any prevention or any defence by any prudence he can use; and the consequence of it is, as much as lies in the Malefactor, to destroy as well the Soul as the Body; by such an insidious Murther to take a Man out of this life before he can have any opportunity to prepare for another life. Therefore in our publick solemn Prayers in our Church it has very justly and worthily been made part of our Liturgy to pray to be delivered from Murther and sudden Death.

You that are strangers in this Countrey if you had been tried and convicted of a breach of our Municipal Laws, the peculiar Laws of this Kingdom, much indulgence might be shewn to you because of your little acquaintance with the Law. But that is not your case, your Offence is a transgression against the Law of God, written in large Characters in the Nature of Man. It is against the Laws of all Nations even your own Country from whence you come, and any other Country wherever you could go are severe in their Laws against that by which you have broken the Law in so foul a Fact. The very Barbarians could say, *This Man is a Murtherer and Divine Vengeance will not suffer him to live*; so that they all think the Divine Justice concern'd to revenge it.

You have slain this innocent Gentleman which is but a single distemper as it concerns him, but if it should go unpunished it would turn to a pestilential contagion. If such Assassinations and Murthers of Persons should not be severely punished it were a greater woe than ever was brought upon this Kingdom. Therefore it is thought fit by his Majesty to make his Justice signal and exemplary upon those that have thus basely and inhumanely brought themselves under the censure of it. That when the fame of this barbarous Action shall go abroad his Justice shall also be celebrated upon the Actors, and that this Kingdom is maintained by Justice.

I have but one thing more to say to you, and that is in tendernefs to you your selves. You are to consider that you are to receive another Judgment than that you



you will be condemned by here, and that you may be prepared for that is your great and your onely care. Now it is Repentance that is the onely Antidote against the sting of Death. You cannot be found innocent, your selves acknowledge your guilt, then let it be your care to be found penitent. For that purpose you shall have the assistance of some of our learned Divines here, and you will doe well, to hearken to their good Counsels. I pray God you may submit to Justice patiently, and that your Contrition may be correspondent to your Crime, that so you may obtain pardon and everlasting favour from God.

It remains onely that we pass the Sentence of Law against you which is this,

*That you shall go from hence to the place from whence you came, from thence to the place of Execution, where you shall be severally hanged by the Neck untill you be dead: And the Lord have mercy upon your Souls.*

Then the Prisoners were carried away, and the Court adjourned.

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